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No. 90

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 12, 2006.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

### PRAYER

The Reverend Michael Jackson, Pastor, New Life Assembly of God, Janesville, Wisconsin, offered the following prayer:

Our Father, which art in heaven, hallowed be Thy name. We need You here, today, now. Help us, we pray. Confer upon us Your wisdom; grant to us Your favor.

Lord, those who serve in this esteemed Chamber are people created by You to be extensions of You. Touch their bodies. Give them Your strength. Be with their families as well as their constituents. Grant to them Your peace, O God.

Their job is not easy. The weight of their many responsibilities has to weigh heavily upon them. Help them to run and not be weary; to walk and not faint. May the pressures of the day squeeze grace and goodness out of them. May the challenges of the day wring patience and humility out of them. There is a noble task; may they be noble as they carry it out.

In the name of Jesus my Lord, Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. RYAN) come forward and lead the House in the Pledge of Allegiance.

Mr. RYAN of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 427. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 1509. An act to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species.

S. 2041. An act to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada.

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2918. An act to provide access to newspapers for blind or other persons with disabilities.

The message also announced that pursuant to section 1295b(h) of title 46,

United States Code, the Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy:

The Senator from Mississippi (Mr. LOTT), from the Committee on Commerce, Science, and Transportation.

The Senator from Hawaii (Mr. INOUE), from the Committee on Commerce, Science, and Transportation.

### WELCOMING REVEREND MICHAEL JACKSON

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, it is my great pleasure to honor and welcome Pastor Michael Jackson here today as our guest chaplain. He has come all the way from my hometown of Janesville, Wisconsin, to lead us in prayer today, and we are blessed to have his guidance as we begin our legislative day.

Since November of 1999, Pastor Jackson has served as the senior pastor of New Life Assembly of God in Janesville, Wisconsin, and he has used his many talents to reach out to our entire community and help more and more people open their hearts to the Lord's grace.

While the church itself has grown and produced offshoots throughout nearby communities, as well as New Life Hispanic Church and the Korean Fellowship in Janesville, Pastor Jackson has not only served as a leader of a thriving church body, he has been a leader throughout our whole entire area.

Just one example of this is the annual Freedom Fest Patriotic Rally that the New Life Assembly of God has during the 4th of July. My wife and our kids enjoy this every single year. It is

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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simply one of the many gifts that New Life Assembly of God gives to area residents.

The church has also helped initiate a Day of Compassion in Janesville, which provides those in need with access to free food, health screening, spiritual counsel, and other assistance.

Pastor Jackson brings 36 years of experience as a pastor to his work in the church, the community, and to the House floor today.

Pastor, thank you so much for sharing your wisdom and praying with us this morning.

#### LYME AND TICK-BORNE DISEASE PREVENTION, EDUCATION, AND RESEARCH ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to urge passage of the Lyme and Tick-borne Disease Prevention Act. I have co-introduced this bill because a more coordinated Federal effort to fight Lyme disease is long overdue.

Lyme disease is one of the most mysterious and misunderstood illnesses that our families, including our children, face every day. Our health care community faces extremely difficult challenges in diagnosing and treating Lyme disease.

The epicenter of Lyme disease is in my district in the Hudson Valley, but incidence rates have increased dramatically throughout the country in the past few years. There are 49 States that have experienced Lyme disease cases.

It is time for the Federal Government to assume greater Lyme fighting responsibilities. Our bill will help develop a realistic and reliable diagnostic test, it will help increase Lyme disease research, and it will create an advisory committee of patient advocates and specialized physicians to help Health and Human Services develop and implement a vastly improved national strategy to fight Lyme disease.

We can't leave the burden of controlling Lyme disease to our local health agencies alone. By passing this bipartisan legislation, more work will be done at the Federal level to help our local communities. Please help me pass this legislation.

#### NATIONAL HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, at least 30 percent of the \$3.2 trillion spent annually for health care in the United States goes to the for-profit system while 50 million Americans, many of them working, are without health insurance. About \$660 billion goes for corporate profits, executive salaries, stock options, advertising, marketing, and the cost of paperwork.

If we took all that money and we put it into a public health system, a national health care plan, we would have enough money to cover everything for everyone, all medically necessary care, including dental care, vision care, mental health care, prescription drug and long-term care.

Health care is a big money maker for corporate America, however, and people we know can't afford necessary health care because premiums, co-pays, and deductibles keep going up. About half of the bankruptcies in America are health-care related.

It is time for this country to break free of the shackles of the insurance companies, and we can do that by Members of Congress supporting H.R. 676, the Conyers-Kucinich-McDermott bill, which calls for a universal health care plan where all people are conferred and, finally, we meet the moral challenge that this country has of providing health care for all.

#### REPUBLICANS VICTORIOUS IN ANNUAL CONGRESSIONAL BASEBALL GAME

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I am proud to announce that the Republican baseball team once again was victorious in the annual congressional game by a 12-1 score on June 29.

I particularly want to thank our sponsors. We were able to raise over \$100,000 for charities. Once again, the charities were the big winners, the Boys and Girls Clubs of the Washington area as well as the Adult Literacy Council.

I want to also congratulate my counterpart, MIKE DOYLE, the manager of the Democrat team, JOE BACA, the pitcher and the most valuable player on the part of the Democrats, with KENNY HULSHOF the MVP on the Republican side, and JOHN SHIMKUS, our extraordinary pitcher, who came back from heart surgery this year to pitch a complete game.

So congratulations to everybody for a wonderful evening of camaraderie and a good time and a nice victory as well. This is my last opportunity to do a little bit of bragging here as the manager.

Also, I want to congratulate the long-time manager of the Democrats, MARTIN OLAV SABO, who is retiring this year. He turned over the reins to MIKE DOYLE, but he was inducted into the Roll Call Hall of Fame, well deserved for a great sportsman and a great individual, MARTIN OLAV SABO.

Again, thank you, everybody. It was a great victory.

#### LESSONS LEARNED

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, yesterday, the President said we would continue to be wise about how we spend the people's money. Now, this is true. We actually have a Director of Lessons Learned at the White House, who is paid over \$100,000.

Maybe I can save the taxpayers \$100,000 by running through a few lessons this White House should have learned:

Lesson 1. When the Army Chief of Staff and the Secretary of State say you are going to war without enough troops, you are going to war without enough troops.

Lesson 2 learned. When \$8 billion is missing from Iraq's reconstruction and \$2 billion disappears from Katrina relief, you need a little accountability.

Lesson 3 learned. When you have turned the corner in Iraq more times than Danica Patrick at the Indy 500, it means you are going in circles.

Lesson 4 learned. When the National Weather Service tells you a category 5 hurricane is heading for New Orleans, a category 5 hurricane is heading for New Orleans.

I would also ask the President why we are paying for two Ethics Advisors and a Director of Fact Checking. They must be the only people in Washington who get more vacation time than the President. Maybe the White House can consolidate these positions into a Director of Irony.

It is time for a new direction.

#### SELLING OUR NATIONAL FORESTS

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, the bureaucrats are at it again. First, they came up with the idea of selling off 300,000 acres of our precious national forest lands, including 1,000 acres of the Ocala National Forest in my district. They made this reckless budget proposal without any input whatsoever from Members of Congress or the American public.

After the fact, 130,000 Americans wrote in to oppose this proposal. This week, the United States Department of Agriculture bureaucrats arrogantly told the press they want to move forward anyway, despite Congress and the American public. The pathetic attempt of the Department of Agriculture bureaucrats to sell our national forests is financially short-sighted and environmentally reckless.

You can lead a bureaucrat to water, but you can't make him think. Well, we are going to do the thinking for you and reject this insane proposal.

#### REPUBLICANS NOT SERIOUS ABOUT SECURING OUR BORDERS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, for 5 years now Washington Republicans have refused to fund border security programs. But it is not only our effort at our borders, Republicans refuse to go after employers who break the law. Under their leadership, work site enforcement was cut back by 95 percent. As a result, the government prosecuted four employers in 2003 as opposed to 182 in 1999.

Securing our borders doesn't happen magically. It takes funding and it takes agents at the border, two things seriously lacking right now. Under pressure to act earlier this year, President Bush vowed to have 2,500 National Guard troops on our border by June 30, but all he could muster was 248. The administration claims the rest of the Guardsmen are now going through training. So much for keeping promises.

Now the House Republicans are seriously jeopardizing any real attempts to sign a border security bill into law this year. House Republicans simply refuse to negotiate a final bill, choosing instead to hold hearings on a bill they already passed.

The time for talking is over. It is time for House Republicans to join us to secure our borders.

#### THE HOUSE OF AMERICA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Joe Carcamo, an illegal El Salvadoran, had 17 driving violations when he drunkenly was drag racing down a Michigan street and hit two teenagers. He was driving 75 miles an hour. He cracked the skull of one of them and the other girl lost both her legs.

We could have stopped this reckless illegal after his first violation, which was breaking and entering into our country, but politics stops local law enforcement from making these arrests. Not so with Sheriff Joe Arpaio from Maricopa County. He is using an Arizona law that locks up smugglers and their customers, too, for conspiring to break the law.

The Mexican Government wants to help illegals break out of his jail by suing Sheriff Joe for just enforcing American law. The word is out: Coyote smugglers avoid Maricopa County and the High Sheriff Joe Arpaio.

Mr. Speaker, our sheriffs and Border Patrol do as good a job as we let them do, and our Nation must send out the word: Enter the House of America legally, or you will enter the jailhouse.

And that's just the way it is.

#### MINIMUM WAGE

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, over the past decade, the cost of living in

our Nation has risen sharply and continues to grow. Gas prices have doubled, college costs are up by 38 percent, fuel prices up 20, housing costs another 25 percent, and health care costs are up a whopping 75 percent, yet the millions of Americans who work full time struggling to support their families have just been dealt another blow.

Last month, the Republicans in this body defeated a measure to raise the minimum wage, which has not been increased in an appalling 9 years. Instead of voting with Democrats to give a much needed pay raise to these workers, Republicans once again turned their backs on more than 6 million workers. You didn't see Republicans turning their backs on the wealthiest few last month when they repealed the estate tax that only impacts our Nation's wealthiest families.

Mr. Speaker, it isn't too late for House Republicans to change their minds. Today, we will have another vote here on the House floor to give these hardworking Americans a much deserved raise. House Republicans know that the minimum wage is at its lowest level in 50 years. Today, we will see if Republicans are interested in expanding economic opportunity to all.

□ 1015

#### BUDGET UPDATE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the White House Office of Management and Budget just released its annual midyear budget update. Under article I of the Constitution, the House of Representatives has no higher priority than to see to the wise expenditure of the resources of the American people, and the word is, the news is good.

This year's budget deficit is now forecast to be \$296 billion, 2.3 percent of our economy, essentially equal to a historic average. The really good news is, the deficit is 30 percent below the administration's February forecast. Revenues grew by a dynamic 14.5 percent last year and are forecast to grow this year by \$245 billion, or 11.4 percent.

Revenues to the Federal Government are increasing because of the progrowth tax cuts that President Bush and this Republican majority brought forward. The tax cuts are working. The economy is growing. Revenues to the government are up. The deficit is down.

All in all, not a bad day's work.

#### INCREASE THE MINIMUM WAGE

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, because of Republican inaction, minimum-wage

workers have not been making a living wage for years now, and are forced to work 40 hours a week for wages that don't give enough money to afford increased housing, food, health care or gas costs. Gas prices are so high right now that it takes a minimum-wage worker an entire 8-hour shift just to afford one tank of gas.

Americans should be aware that CEOs in the first 4 hours they work make more in those 4 hours than a minimum-wage worker would earn in an entire year. The American people know that \$5.15 an hour is not enough to support a family, not by a darn sight.

Today, House Republicans have another chance to support expanding economic opportunity to millions of workers they have ignored for 9 years now. It is time the House Republicans think of someone other than their wealthy special interest friends and support average working Americans. Increase the minimum wage.

#### BROADCAST DECENCY ENFORCEMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it has been less than a month since President Bush signed the Broadcast Decency Enforcement Act into law, and it is already working. By increasing fines tenfold, this law seeks to deter broadcasters from breaking indecency laws.

And yesterday, The Washington Post reported that this deterrent is working. Orders for electronic editing equipment used to filter on-air obscenities have spiked. Some radio stations are requiring their DJs to either clean up or pay fines out of their own pockets. Radio giant Clear Channel has adopted a zero-tolerance policy for their on-air personalities, allowing them to be fired for using offensive language.

Some claim this is creating a chilling effect on free expression. Mr. Speaker, this is not a chilling effect, it is enforcing the law. Decency standards have not changed, but the incentive for obeying them has changed significantly, and that is exactly what the President and this Congress intended when we passed this important legislation.

For the sake of parents and children across the Nation, I am glad to see this law having an impact on cleaning up the airwaves.

#### RENEW VOTING RIGHTS ACT

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise today with my colleagues to impart some history and context relative to the right to vote in America, an essential part of the democratic process. I

thank each of my colleagues for joining me to discuss this issue.

Today, a series of Members will come to the floor to tell you the truth about the barriers, both past and present, that have prevented Americans from voting.

The Voting Rights Act is one of the most important laws enacted by our government in the history of our democracy, because it allows the people to address past and present disenfranchisement as well as disparate conditions that will affect the ability to exercise voting rights in the future.

Passage of H.R. 9 to reauthorize and renew the 1965 Voting Rights Act is critical to our democracy and our democratic form of government and the free exercise of the voting rights of all Americans.

Mr. Speaker, the stories that you and America will hear today will underscore why the Voting Rights Act is so important and must be renewed. You will hear stories from Members of Congress who were voting age prior to the Voting Rights Act of 1965 that recount some of the extreme difficulties and egregious legal impediments that constrained their right to vote, and you will hear other stories about real people denied the right to vote.

#### NORTH KOREA'S MISSILE TESTS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, last week shortly after the July 4 fireworks dwindled from the sky, the North Korean Government put the entire world on the edge of its seat when it hosted a much scarier fireworks show of its own.

I rise today in strong opposition to the test firing of missiles by the North Korean Government. This test firing amounts to little more than an attempted show of force by the North Koreans, and it must not be tolerated.

I support President Bush's proposal for multilateral discussions aimed at maintaining peace and stability in the region and urge the international community to stand alongside America in denouncing this threatening act.

These tests represent a grave threat to the entire global community, and North Korea must act responsibly and adhere to a moratorium on missile testing if peace is to be maintained. I trust that diplomatic discussions coupled with the international outrage following the missile tests will be enough to convince the North Korean Government to abandon its dangerous path.

#### RENEW VOTING RIGHTS ACT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as one who grew up in the rural South

where my parents and their neighbors and friends had to pay a poll tax to vote, and as one who lives in an urban inner city community where polling places are oftentimes moved without proper notification and where unsuspecting voters are intimidated, especially those with language and education barriers, the Voting Rights Act is one of the best safeguards of our democracy that we have seen.

Mr. Speaker, I urge its renewal, I urge its passage.

#### GUN CONTROL DOESN'T WORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I find it extremely ironic that on the same day Washington Police Chief Charles Ramsey declared a crime emergency, The Washington Post has published another misguided editorial promoting the failed efforts of gun control.

The editorial attacked Members of Congress for failing to further restrict Americans' second amendment rights. The Post specifically criticized my statement that "responsible and law-abiding citizens do not need the government to tell them to be safe."

Perhaps they forgot, while the District of Columbia has some of the most restrictive gun laws in our country, it also has one of the highest murder rates in the Nation. Thirteen people have been killed in Washington in only the past 12 days.

Instead of petitioning Congress to place additional restrictions upon law-abiding citizens, perhaps The Post should push for tougher laws to help keep criminals off the streets of America.

In conclusion, God bless our troops and we will never forget September 11.

#### RENEW VOTING RIGHTS ACT

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, the rules of the House won't allow me to do what George H. White did in 1901 when he rose to address an agriculture bill for 5 minutes and ended up speaking for an hour and a half, giving his farewell to Congress and saying these words: "Mr. Speaker, this perhaps may be the temporary farewell of minorities and African Americans from this body, but some day we will rise up and come again."

Well, it took 92 years from that point in 1901 until 1993 when Eva Clayton and I returned to Congress as African American Members from North Carolina.

And thank God the laws won't allow the exclusion of African Americans and other minorities from this democracy any longer because of the Voting Rights Act.

We have got to renew it and extend it. We need to do it today in the House.

#### KEVIN ESTEP, VOLUNTEER HERO

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to recognize an outstanding West Virginian, Kevin Estep, from Apple Grove, West Virginia. A volunteer with the National Service Agency, Kevin is the recipient of the 2006 Learn and Serve America Spirit of Service Award.

Kevin received his honor at the 2006 National Conference on Community Volunteering and National Service, which was held in Seattle, Washington, because of his service with HI-Y, a YMCA-affiliated leadership organization.

He has volunteered as a camp counselor, helped 7-to-12-year-old, low-income, at-risk boys and girls at the Governor's Youth Opportunity Camps at the YMCA Camp Horseshoe. He encourages children to read, try new things, build skills, and set goals for a better life.

A leader in his school, Kevin is an honor student with a 3.9 GPA, a member of the school band, and has two part-time jobs. As a graduate of Point Pleasant High School, he plans to attend Marshall University in Huntington in the fall. Kevin is a leader in his community at a young age, and he is a role model for his peers and younger West Virginians.

I commend him on his service to his community, State, Nation, and fellow citizens.

#### PASS VOTING RIGHTS ACT

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise to call on my Republican colleagues to bring up and pass the renewal of the Voting Rights Act.

On March 7, 1965, our colleague, JOHN LEWIS, and 500 civil rights activists marched from Selma to Montgomery, Alabama. They paved the way for the Voting Rights Act.

My grandmother, Bella Russell, lives in Warren County, North Carolina. She is 98 years old. She knows all about the need for the Voting Rights Act. She experienced literacy tests and intimidation and other barriers to voting.

We needed the Voting Rights Act then and we need it today. We need it today because in my State of Maryland, people are still being told you have to pay all of your late fees on your rent in order to vote; you have to pay your parking tickets to vote.

Don't forget to vote on Wednesday. People are still being intimidated. We need the Voting Rights Act as an effective check on those who would deter other Americans from exercising their important right to vote.

There are those who would challenge the preclearance provision, but I maintain if you are not doing anything wrong, if you are not impeding the right to vote, then preclearance is not a burden. In America, we need to encourage more people to vote, not less.

#### STRONG STAND AGAINST NORTH KOREA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to emphatically encourage the United Nations to take a strong stand against North Korea.

Last Tuesday, North Korea shocked the world by test-firing missiles, including a long-range Taepodong-2, that could one day be capable of reaching the western United States. Japanese and United States satellite photography have shown movement at North Korean bases that indicate preparations for even further missile launches.

Mr. Speaker, the carrot approach of previous administrations has done nothing to deter Kim Jong-il's erratic and irresponsible behavior.

In 1994, North Korea agreed to freeze and ultimately dismantle its existing plutonium-based nuclear program. However, in December 2002, we learned the North Korean regime was pursuing a nuclear weapons program based on enriched uranium in violation of that agreement.

Mr. Speaker, we must learn from our previous efforts. We cannot stake our national security on meaningless agreements with an unpredictable and maniacal dictator.

Mr. Speaker, I ask that you join me in imploring the United Nations to condemn North Korea's actions as a threat to stability around the globe.

#### SUPPORT H.R. 9, VOTING RIGHTS ACT

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, there is no civil rights legislation more important or effective than the Voting Rights Act. The right to vote is the very foundation of our democracy, and as the Supreme Court noted in 1964, other rights, even the most basic, are illusory if the right to vote is undermined.

The Voting Rights Act has made that right a reality. In Virginia, my home State, because of all sorts of schemes and barriers, there were no African American State legislators or Federal legislators, not a single African American State or Federal judge in 1964.

After four decades of the Voting Rights Act which prohibited those schemes and removed those barriers, we now have 18 legislators and over 40 judges serving in Virginia.

We do not need to return to the days before 1965. We do need to extend the expiring provisions of the Voting Rights Act. We should support H.R. 9 without amendment.

□ 1030

#### IMMIGRATION REFORM

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the American people expect us to stop the flood of illegal immigrants coming to this country. In order to do that we need to secure our borders. We need to crack down on employers that hire illegals and preserve American jobs for Americans. We need to reject all forms of amnesty.

Many talk about a guest worker program. I think most reasonable people believe that a guest worker program in the farming industry, perhaps in the gardening and landscape industries, is reasonable. Beyond that we need to look at what the need of America is, not the need of foreign countries and where they want to place their people. We need to absolutely reject again all forms of amnesty. We need to increase enforcement on current immigration laws.

Today, currently, business owners can go out and find out if the person they are hiring is eligible to work here or if they are not. We need to think about how we are impacting workers. In 1973 the average manufacturing jobs paid \$15.24 an hour. In 2004 it paid \$15.26 an hour. An American worker should not expect his pay to be cut because somebody comes to this country illegally and is willing to work for less than he or she should be paid. We need to protect Americans and protect their jobs.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, the Voting Rights Act has been and continues to be necessary. In 1965, we had approximately 300 African Americans holding office. Now we have more than 9,100.

In 1965, only a handful of Latinos held office. Now, more than 6,000.

In 1965, six Members of Congress were African American. Now 43.

But among the many beneficiaries is Hubert Vo. Hubert Vo was born in Vietnam. Hubert Vo came to the United States at the age of 19, fleeing communism. Hubert Vo graduated from the University of Houston, but more importantly, Hubert Vo, in 2004, became the very first Vietnamese American elected to the State House of Texas. Hubert Vo was elected because the bal-

lot in District 149 is in Vietnamese. Hubert Vo won by 16 votes.

The Voting Rights Act has made, continues to make a difference. We need to maintain it. We need to keep it. It protects the rights of minorities.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, it is really with a deep sense of gratitude to Fannie Lou Hamer, Rosa Parks, Coretta Scott King and our great warrior, Congressman JOHN LEWIS, that I rise in support of the renewal of the Voting Rights Act.

There is no way that I would be standing on this floor today as a Member of Congress had it not been for the bloodshed and the sacrifices and oftentimes the deaths of so many fighting for all Americans for their right to vote.

And I vividly remember the days of Jim Crow and segregation and the insidious poll tax growing up in Texas. The humiliation and the discrimination and the degradation of African Americans will always be a scar on America's history.

The Voting Rights Act of 1965 was passed just 1 year after I graduated from high school. And unfortunately, we still need to renew these expiring provisions, and we shouldn't weaken any of the protections in this legislation.

We still witness voter intimidation and voter suppression in our country. But I am reminded of the tremendous progress and the march to freedom and equality, but also of the unfinished business of America during the very powerful civil rights pilgrimages that some of us go on to Selma and to Birmingham and to Montgomery, Alabama. In memory of all of those who paid the supreme price for our democracy, let us pass this bill today and let's pass it on a bipartisan basis.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today in support of the Voting Rights Reauthorization Act of 2006.

Many brave men and women have fought against bigotry, injustice, inequality to secure the voting rights for all Americans. Many of our veterans who serve now and in the past, of all colors, of all races, have fought for the freedom that we enjoy today. They have sacrificed their lives so that every individual has the right to exercise their voting right.

The Voting Rights Act of 1965 is one of the greatest achievements of Congress because it has torn down arbitrary barriers to voting participation.

The VRA gave dignity, pride and hope to many who have been historically shut out of the democratic process and oppressed by the Jim Crow legacy.

I can remember my dad, a U.S. citizen, born here in the United States, when he first cast his first vote and told us the importance of voting. It was during that period of time that we knew the importance of voting and that every person, regardless of the limited English that they had, and my dad spoke very little English, but voted.

I encourage all of us to vote for the Voting Rights Act on a bipartisan basis, and both Republicans and Democrats are here to support a strong Voting Rights Act that extends the protection for the future generations.

#### RENEW THE VOTING RIGHTS ACT

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the Voting Rights Act reauthorization appropriately carries the names of civil rights pioneers Fannie Lou Hamer, Rosa Parks, and Coretta Scott King.

Along with the Civil Rights Act of 1964, the Voting Rights Act was the major legislative expression of that great movement that inspired and challenged so many of us, whites and blacks alike, and that brought the liberty and justice that our Nation professes closer to realization.

Now, many Republicans say the Voting Rights Act is too burdensome or that pre-clearance is no longer needed. But listen to the testimony of North Carolina election officials.

"I would hate to operate without it," says one.

"Pre-clearance requirements are routine, and do not occupy exorbitant amounts of time, energy or resources," adds another.

"The history of X County causes our operations to be scrutinized and rightfully so," says a third official.

And a fourth adds, "The Voting Rights Act allows us an opportunity to assure the public that minority rights are being protected and that someone is independently validating those decisions."

Mr. Speaker, the Voting Rights Act works, and we must pass it at full strength.

#### VOTING RIGHTS ACT

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the right to vote is precious, almost sacred. During the 1960s, working to get a Voting Rights Act, many of us were arrested, jailed and beaten. I was arrested and jailed more than 40 times during the sixties. We stood in

unmovable lines on the courthouse steps in Selma, Alabama. We were beaten with nightsticks, bull whips and trampled by horses trying to register to vote or to get others to register to vote.

But many of my friends, many of my colleagues died. I will never forget Andy Goodman, James Chaney and Mickey Schwerner, who were beaten, shot and killed in Philadelphia, Mississippi. Jimmie Lee Jackson was killed in Alabama. Viola Liuzzo was killed on Highway 80 between Selma and Montgomery.

Because of the Voting Rights Act of 1965, we don't have to risk our lives anymore. We don't have to pass a so-called literacy test. On one occasion a man in Alabama was asked to count the number of bubbles in a bar of soap. On another occasion a man was asked to count the number of jelly beans in a jar. On one occasion there was a man in Tuskegee, Alabama who had a Ph.D. degree and he was told that he could not read or write well enough. He failed the so-called literacy test.

The Voting Rights Act was good in 1965. It is still good today.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Mr. CLAY asked and was given permission to address the House for 1 minute.)

Mr. CLAY. Mr. Speaker, I rise today to support the reauthorization of one of the most critical pieces of legislation that this House has ever produced, the Voting Rights Act.

Today we have heard firsthand accounts of how this act changed America, and recent research confirms that the Voting Rights Act is as essential today as it was in 1965.

The Lawyers Committee for Civil Rights Under the Law concluded that there is still a shocking continuing reality of racial discrimination in voting that is pervasive, and these problems are nationwide.

Their three key findings were especially disturbing. First, records from the U.S. Department of Justice confirm that the actual number of documented complaints to Federal officials have increased between 1982 and 2004.

Second, polling places and voting hours in minority neighborhoods were routinely changed shortly before elections.

And finally, election officials were found to have illegally purged voters from registration lists and to have refused to translate election materials.

Mr. Speaker, it is time that people in power stop playing with that basic essential right to vote in this country.

#### JUST DO IT

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise in the spirit of "Just Do It." Congress must

reauthorize the Voting Rights Act this week. No more delays, no more excuses. Just do it. Do it now. I say this with no degree of exaggeration. The Voting Rights Act is the essence of democracy.

Mr. Speaker, many of us, including myself, would not be here on the floor of the House of Representatives if it were not for the original Voting Rights Act of 1965. It is, quite simply, one of the most important laws in the history of our Nation. Accordingly, previous Congresses have consistently reauthorized and renewed the Voting Rights Act in a deliberative, bipartisan manner. We must do the same. Don't empathize. Just reauthorize. Just do it.

Mr. Speaker, as much progress as we made since the 1960s, we still must be vigilant. We still must strive for universal enfranchisement. For all of our successes, too many Americans face barriers to the basic right to vote.

Mr. Speaker, don't apologize. Just reauthorize. Just do it. No more delay. Let's get this work done and get it done today.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Mr. BISHOP of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of Georgia. Mr. Speaker, I rise today in strong support of the Voting Rights Act and the legislation before us this week which extends the Voting Rights Act for 25 years. It has been reauthorized and upheld for more than four decades. But several key provisions are set to expire next year if not reauthorized by Congress.

The Voting Rights Act is one of the most important civil rights initiatives ever enacted, protecting minority voters from discrimination and ensuring for all Americans the right to vote in a fair and equal voting process. We must protect this right. It is sacred. It stops practices such as those that allowed every African American to be expelled from the Georgia legislature between 1866 and 1900. It stops poll taxes, racial gerrymanders that dilute minority voting power. It stops moving polling places without notice. It stops hanging chads. It is the reason, after 100 years, that I was finally able to follow Jefferson Long as the first African American to represent my area of Georgia in Congress. It has empowered descendants of slaves like me to participate fully in America's political process. We should not, we must not, we cannot go back. We must renew the Voting Rights Act today.

#### VOTING RIGHTS ACT REAUTHORIZATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. JOHN LEWIS, you bring tears to my eyes.

Fannie Lou Hamer, Coretta Scott King and Rosa Parks, all who have made the ultimate sacrifice and yes, exhibited enormous courage. And today I ask this House to exhibit courage, to vote for a bill that gives credence to America's dream. We all are created equal.

The Voting Rights Act is not an act of color. It is an act of reputation and integrity of America to allow all Americans to vote. The honorable Barbara Jordan, whose words were "we the people," would not have been elected to the United States Congress as the first holder of this seat had it not been for the 1965 Voter Rights Act.

And Lyndon Baines Johnson, a southern Democrat President, called upon all of his colleagues, all of the Members of Congress, whether they were from the South, from the North, stand up for what is right.

And so today, we will be on the steps of the United States Congress, on the East steps, to join us for a vigil of petitioning to say to this Congress, be of good courage.

JOHN LEWIS, you bring tears to our eyes, for "Bloody Sunday" will be always in our minds, the sacrifices that have been made for the Voter Rights Act. Don't give up on us now. Pass the Voter Rights Act. Show us courage. Have a shining moment of history today. Yes, America can do it.

#### VOTING RIGHTS ACT

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, I would like to associate myself with all the comments that have been shared with this country on this floor this morning.

My mother is a U.S. citizen. She was born in 1916. My father was born in 1914. Both U.S. citizens. My father was a linguist, so English, Japanese, Cantonese, Filipino were not a difficult thing for him.

My mother was born in a family of farmers who believed that women should stay home and raise families, did not have the opportunity for the education that my father had. Her experiences are not much different from those who come to this country and choose to be U.S. citizens and would like to use their primary language as a way to understand and comprehend fully that which is before them.

Prior to 1964, poll taxes, intelligence, literacy and property tests were used to sabotage the rights of voting citizens and circumvent the Constitution. Voting franchise came haltingly and very, very piecemeal to Asian Americans.

Reauthorizing the Voting Rights Act will continue the franchise and the guarantee of votes for all people and all citizens of this country.

□ 1045

#### THE VOTING RIGHTS ACT

(Mr. THOMPSON of Mississippi asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Speaker, in 2001 one of the most shameful and shocking reminders of voting rights discrimination occurred in Kilmichael, Mississippi, my congressional district.

An all-white city council cancelled city elections 3 weeks before they were to be held because it appeared that African Americans would control the majority of the council's seats. Section 5 of the Voting Rights Act, which requires covered jurisdiction, like my home State of Mississippi, to obtain preclearance from the Justice Department before they can change voting practices or procedures, protected the voting rights of the people of Kilmichael. When elections were finally held, three African Americans were elected to the board of aldermen and the town elected its first African American mayor.

As elected leaders, it is our obligation to look beyond what is good for any one of us to what is good for the whole country and its future.

Mr. Speaker, the Voting Rights Act is reverent, relevant, and must be renewed.

#### PROTECT AGAINST INTIMIDATION AND VOTER FRAUD BY PASSING THE VOTING RIGHTS ACT

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, the Voting Rights Act was passed to put an end to intimidation of poor and black voters.

Sadly, acts of intimidation and voter fraud directed at black and Latino voters are not just a thing of the past. In 2000, Florida's blacks were intimidated and illegally removed from the voter rolls. In 2002, in my district in Georgia, we learned that crossover voting can be used as effectively as the all-white primaries once were. In 2004, Ohio's black voters faced intimidation and fabricated long lines by misallocating the voting machines. Tom DeLay's Texas redistricting was ruled by this Supreme Court to violate Latino voting rights. And just last week, the Georgia legislature's second Voter ID bill got smacked down by the courts a second time.

The Voting Rights Act is relevant and necessary to protect our precious right to vote.

#### CONGRESS MUST PASS THE VOTING RIGHTS ACT

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me just say, Mr. Speaker and Members of the House, if there is any question as to whether or not we still need the Voting Rights

Act, remember the Florida 2000 election and the coup d'etat where 27,000 ballots were disregarded, simply thrown out right in my congressional district, precincts 7, 8, 9 and 10, that vote 98 percent Democratic. Yes, it is still clear that the Voting Rights Act today is needed just as much as it was 40 years ago.

Another reason: When I was elected to Congress in 1992, it had been 129 years since an African American was elected in Florida to the United States Congress. Let me repeat, 129 years. If it was not for the Voting Rights Act, the State of Florida would still likely be without an African American Representative.

We still have a ways to go, and Congress must pass the Voting Rights Act, and not some watered-down version of it, to guarantee that millions of minorities' votes around the Nation and 3 million minorities in the State of Florida will have their voices heard and have their votes counted.

Remember the coup d'etat 2000 election.

#### IN SUPPORT OF THE REAUTHORIZATION OF THE VOTING RIGHTS ACT

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I rise today in support of the reauthorization of the Voting Rights Act. I believe that this is a high-stakes test for the world's democracy that is the focus of efforts all around the globe to promote democracy. Right here at home, we still need to move towards a more perfect Union.

In my home city of Philadelphia, where the Constitution was written, we, some 150 years after that, saw the death of a young African American male, Octavius Catto, who was just going to go vote and was beaten to death by a white mob that was upset about his exercising his franchise.

The question of the Voting Rights Act is not just a question for the South; it is a question across our Nation. And the benefits and the protections of the Voting Rights Act, as we seek its reauthorization, and we seek it today, suggests to the world whether this is a democracy truly that the world should seek to emulate.

#### URGING PASSAGE OF THE VOTING RIGHTS ACT

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, in 1965 when the Voting Rights Act was first passed, Martin Luther King said, "This represents a shining moment in the conscience of man."

What a wonderful opportunity for Democrats and Republicans to come together and reignite that shining light in the conscience of man.



The Voting Rights Act does two things: It does not allow jurisdictions to discriminate against any United States citizen that wants to exercise the most sacred of all rights, and that is the right to vote. That gives you some control over your own destiny. But it does something else. It encourages and accommodates all other United States citizens that may have some sort of obstacle to overcome in order to exercise the most precious of all rights. That is what the Voting Rights Act accomplishes.

And I am hoping that tomorrow we will have this wonderful opportunity to follow in the footsteps of those true giants in 1965 that came together on both sides of the aisle to pass the original Voting Rights Act.

#### PROTECT VOTER RIGHTS BY PASSING THE VOTING RIGHTS ACT

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the genesis of the Voting Rights Act lies in that period of American history just after the Civil War when various creative devices were put in place to prevent and dilute the impact of black voters and votes.

The 1965 act did away with many of those devices, many of which were used in my home State, devices such as full-slate voting, where in order for your vote to count, you had to vote for your choice once and against that choice for as many times as there were vacancies on the ballot, numbered posts which set up racially polarized voting, at-large voting which diluted the impact of black votes. All of these creative devices were gotten rid of with the 1965 Voting Rights Act.

But, Mr. Speaker, I used to teach history, and I always told my students that if a thing has happened before, it can happen again. And I do know that if we do not have the protection of the Voting Rights Act, we can see our States revisiting many of those creative devices.

#### HEAL THE WOUNDS OF RACISM BY PASSING THE VOTING RIGHTS ACT

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. SCOTT of Georgia. Mr. Speaker, this Voting Rights Act is the most important piece of legislation that has been passed in this modern time in our Congress.

As I stand here, I am reminded of the words that we used so much as we would go through the South, going up against the Bull Connors, going up against the night riders, going up against the Ku Klux Klan with the courage that was taken and that is still needed today because, unfortunately, discrimination still exists throughout this Nation in various places.

And for those who want to say, why punish the South or why punish the State, why is it that you would think of the Voting Rights Act as a punishment? The Voting Rights Act is not a punishment. It is a liberator of those who have been punished, where all they have had was to sing that song: "Sometimes I feel discouraged, feel my work's in vain; but then the Holy Spirit revives my soul again. There is a balm in Gilead to heal the sin-sick soul. There is a balm in Gilead that makes the wounded whole."

This balm in Gilead for us today is the Voting Rights Act to heal the wounds of racism that have been inflicted on this country and that we still, unfortunately, suffer from.

Let us vote to pass this Voting Rights Act this day and this week and send a resounding message that America is for everybody, black as well as white, rich as well as poor, all of us.

#### THE TRAGEDY IN INDIA

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, my colleagues have made the case for the extension of the Voting Rights Act, and I echo their sentiments. When this matter comes to the floor, if it comes, and it should today be made in order as a rule, then I will have an opportunity to speak more in that regard.

But today I rise, in addition to asking in the world's oldest democracy that we extend the Voting Rights Act, that we recognize that on yesterday the world's largest democracy was attacked in a significant and condemnatory way.

These events seem to take place on days of the 11th, and yesterday in India, despicable acts took place by those who would take the lives of innocents. In Madrid, in London, in Bali, the same thing happened.

I do acknowledge the fact that hurriedly yesterday the foreign minister of Pakistan condemned those bombings, and I commend him in that regard.

It was said earlier and reported today in one of our newspapers that in Europe it was said after September 11, "We are all Americans now." Today, after yesterday in India, "We are all Indians now."

#### PROVIDING FOR CONSIDERATION OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 906 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 906

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

□ 1100

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume.

Last night, the Rules Committee granted a structured rule for H.R. 2990, the Credit Agency Duopoly Relief Act of 2006. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; waives all points of order against consideration of the bill. The rule also provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.



The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. It also provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report and provides one motion to recommit, with or without instructions.

During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair rule, making all germane amendments that were offered in the Committee on Rules in order.

The underlying legislation is an important, commonsense approach to providing greater transparency for credit rating agencies. Who can forget the scandals following the bankruptcies of Enron and WorldCom? Even more shocking is the fact that both corporations were given investment grade ratings by credit rating agencies just before their financial collapse. This misrepresentation resulted in the loss of millions of dollars for investors.

The root of the problem lies with the current process of recognizing statistical rating organizations by the Securities and Exchange Commission. The current process stifles competition and fosters an environment that has led to two rating agencies holding 80 percent of the market share.

A level playing field is needed so smaller companies with expertise in specific areas can enter the market. H.R. 2990 clearly lays out the registration requirements for rating agencies replacing the current opaque designation process by the SEC. By injecting the current system with competition and greater transparency, the quality of ratings will be enhanced.

This act will also provide greater investor protection, including provisions requiring rating agencies to be in the business of issuing credit ratings for at least 3 years prior to filing an application for registration as a nationally recognized statistical ratings organization, ensuring better quality assessments for investors.

Mr. Speaker, the economy is booming due in part to greater participation by investors in the various markets. Greater transparency, accountability and competition among credit ratings agencies will provide investors with better information and encourage future investment. The underlying legislation is a step in the right direction towards ensuring this success.

Finally, this legislation will improve the quality of information provided to

investors. It is no secret that a little competition improves quality and expands services offered. Armed with more reliable and accurate credit ratings, investors will continue to drive the economy and foster a more innovative environment.

I would like to remind all Members that the rule makes in order all germane amendments presented to the Committee on Rules.

I urge all Members to support this fair rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from West Virginia for yielding me the time.

(Ms. MATSUI asked and was given permission to revise and extend her remarks.)

Ms. MATSUI. Mr. Speaker, the issue we are debating today may not be glamorous, but I want to emphasize for our constituents its importance. H.R. 2990 will significantly affect the guidance investors receive on the soundness of all kinds of investments.

The type of debt rating that a company or municipality receives is an essential guidepost for investors, and the degree to which that rating is accurate has far reaching consequences. So by reforming the way that firms receive the stamp of legitimacy to offer these ratings, Congress is making a significant change.

As we have seen during the past few years, financial investments can have a huge impact on our constituents. Just ask anyone who held stock in Enron or WorldCom. This is about protecting investors, whether you manage your own portfolio or you rely on a pension for your retirement.

So we need to tread carefully as we consider how we determine which firms should be deemed nationally recognized statistical ratings organizations. Established in the 1970s, only credit agencies that receive this designation have the legitimacy to assess the likelihood of a company or a municipality to default on its debt. In other words, they tell investors whether they are likely to get paid back.

Today, there are only five firms that are nationally recognized by the Securities and Exchange Commission. The purpose of H.R. 2990 is to add to that number, increasing competition in the credit ratings market. This is a worthy goal. I know the Financial Services Committee has been exploring the best way to achieve it. Unfortunately, in its pursuit of quantity, this bill will sacrifice quality. This is a risky proposal that I do not believe the House should accept.

H.R. 2990 would allow virtually any firm to be considered a nationally recognized credit rating agency. The SEC would no longer be able to ensure that such firms are producing reliable and credible ratings. Under this new voluntary regime, any ratings agency that

has been around for 3 years and discloses its performance data can become nationally recognized. That is a pretty low bar.

I know the majority will argue that H.R. 2990 would allow market forces to sift the good credit rating agencies from the bad. While Democrats do not object to letting the market play a role in ensuring quality, why not let the experts at the SEC also evaluate the quality of the ratings firms? Congress needs to strike a balance between quantity and quality, but this bill falls short of that goal.

Under this bill anyone can open up shop and 3 years later be nationally recognized. That means we may be allowing firms that will offer an investment grade rating to anyone willing to pay, regardless of whether that rating is based on sound facts. As long as a rating firm continues to provide certain disclosures, it will still be nationally recognized, even if it issues credit ratings of the lowest possible quality.

Additionally, this bill could lead to a series of unintended consequences. Federal, State and local agencies, as well as many private sector entities, rely on the current definition of a nationally recognized credit rating agency. By undermining the credibility of this established benchmark, this bill could impose a significant burden on all of these groups, possibly increasing risks and imposing new costs for a wide swath of Americans.

Certainly, the House can increase competition in a more responsible way. Representative KANJORSKI, the ranking member on the Capital Markets Subcommittee, with the support of Ranking Member FRANK, has offered a logical substitute. It will ensure quality while moving to increase competition in the credit ratings market. I am pleased that the rule will allow a vote on this commonsense proposal.

The Kanjorski substitute would direct the SEC to expeditiously complete rulemaking on nationally recognized statistical ratings organizations. In doing so, the SEC would, for the first time, publicly define what constitutes a nationally recognized credit rating agency. It would also direct the SEC to design a process to identify new nationally recognized credit rating agencies. These steps would bring an unprecedented level of transparency and scrutiny to the selection process. The result will increase competition in the credit ratings market without the negative consequences associated with H.R. 2990.

The Kanjorski substitute will also encourage the establishment of a voluntary framework for industry self-regulation. This will further protect investors from conflicts of interest and other abusive practices.

To ensure that all of these reforms are effective, the Kanjorski amendment will require annual hearings on this topic for the next 5 years.

So Members have two options today. Both will increase competition in the

credit ratings market. However, only the Kanjorski substitute will ensure that investors continue to receive credible and reliable credit ratings from nationally recognized agencies.

I urge my colleagues to support this wise approach.

Mr. Speaker, another responsible policy that Members will have an opportunity to support today is an increase in the minimum wage. Just as the credit rating bill seeks to safeguard average Americans in the long term, so should Congress protect their immediate financial needs by increasing the minimum wage.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK), the sponsor of the bill.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I thank my friend from West Virginia for providing me the time to speak on behalf of the Credit Rating Agency Duopoly Relief Act, H.R. 2990, the bill that I have introduced.

I am here today in support, and strong support, of the rule. Mr. Speaker, it is vital that Congress bring transparency, competition and accountability to the credit rating industry, and the time to do it is now.

Mr. Speaker, it is extremely disturbing that the two largest nationally recognized statistical rating organizations, known as NRSROs, in the industry, Moody's and Standard & Poor's, both rated Enron at investment grade just immediately prior to their bankruptcy filings. Essentially, Moody's and Standard & Poor's told the market that Enron was a safe investment.

Credit rating agencies claim that they are not in the business of detecting fraud, but they are most certainly in the business of impacting the bottom line of companies, municipalities and also school districts. The better the credit rating, the lower the interest rate the borrower must pay to expand its operations, construct a road or build a school.

Enron was not their only blunder. Moody's and Standard & Poor's also rated WorldCom as investment grade just prior to their bankruptcy filing, but there are other options throughout the marketplace.

Mr. Speaker, there are over 130 credit rating agencies in the financial market. However, only five are designated as nationally recognized statistical rating organizations by the Securities and Exchange Commission. This label, I would submit, is the root of the problem. To receive the elusive SEC distinction, companies must be nationally recognized; that is, their ratings must be widely used and generally accepted in the financial markets. This artificial barrier to entry has created a chicken and the egg situation for non-NRSRO credit rating agencies trying to enter this industry, thus forcing a duopoly that we have heard about.

Moody's and S&P have over 80 percent of the market share, and they are rating 99 percent of all debt issued. The lack of competition in the credit rating industry has lowered the quality of ratings, inflated prices, stifled innovation and allowed anti-competitive industry practices and conflicts of interest to go unchecked.

Mr. Speaker, in the wake of Enron and WorldCom, we must ensure integrity in the credit ratings process. H.R. 2990 would inject greater competition, transparency and accountability in the credit rating industry by eliminating the SEC staff's anti-competitive NRSRO process. This legislation replaces the current SEC staff designation process for credit rating agencies as NRSROs with a registration process like that for other market participants, such as investment advisors and broker-dealers.

In addition, H.R. 2990 would require each rating agency to disclose relevant information so that investors would have the information they need to select the rating agencies that they want to use. As a result, prices and anti-competitive practices will be reduced, credit ratings quality will improve, and firms will innovate.

Many organizations whose opinions matter support this legislation: The Bond Market Association, the Association for Financial Professionals, the Investment Company Institute, the Association for Financial Professionals, and the well-regarded Financial Services Roundtable, who opposes Moody's and Standard & Poor's.

Mr. Speaker, I urge a "yes" vote on the rule.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I have no problem with the rule before us. All germane amendments were made in order, but I rise because I do have a serious problem with the way this House is being run.

There is something very, very wrong with this Congress when the Republican leadership refuses to recognize and appreciate the important contributions of workers in this country, and consistently, and I would add callously, refuses to raise the Federal minimum wage.

The Federal minimum wage is \$5.15 an hour. A full-time minimum-wage worker's annual pay is \$10,712 a year. The last time Congress raised the minimum wage was 9 years ago, and during that same period of time, Congress has voted to increase its own salary nine times, totaling nearly \$35,000.

I would say to my colleagues on the other side of the aisle, Have a heart. Minimum-wage workers work every bit as hard as any Member of this Congress.

Mr. Speaker, if the Republican leadership continues to block a minimum-wage increase, then it should repeal the congressional pay raise.

□ 1115

Congress should not have a pay raise until low-income workers get a pay raise as well.

Mr. Speaker, there is no reason whatsoever for us not to raise the minimum wage. I have heard some of my colleagues on the Republican side say that increasing the minimum wage will hurt job growth. Yet, according to the Fiscal Policy Institute, since 1998, States with higher minimum wages experienced better job growth than States paying only the Federal minimum wage.

Among small retail businesses in those higher minimum-wage States, job growth was double the rest of the country. Mr. Speaker, even Wal-Mart, even Wal-Mart, hardly the champion of workers' rights, has come out in support of increasing the minimum wage, but not the Republican-controlled Congress.

Republican priorities, in my opinion, are messed up. You pass tax cut after tax cut after tax cut after tax cut for millionaires, but you give a cold shoulder to millions of American workers. You give billions of dollars in tax breaks and subsidies to big oil companies that are gouging Americans at the gas pump, but you will not do a thing for workers who can no longer afford to fill their gas tanks.

And while all your giveaways to the rich and powerful add greatly, hugely to our out-of-control deficit, increasing the minimum wage costs nothing; and if anything, will help workers spend more and, in turn, will help improve our economy.

Mr. Speaker, does any Member of this House believe that the Federal minimum wage, which is at \$5.15 an hour, is enough for a family to live, pay their bills, pay for gas, pay for health care, and get above the poverty line? Is the majority of this House so out of touch that they do not realize the urgency of this issue? Is corporate greed part of your Family Values Agenda?

It is time for this Congress to do what is right, to raise the Federal minimum wage.

Let us make a statement that we value all working Americans, not just the ones that contribute to your campaigns. You will have an opportunity today to make a difference by voting against the previous question so that we can bring an increase in the minimum wage up for a vote.

I urge my Republican colleagues to demonstrate to the workers of this country that you get it, that you care. The American people are tired of the indifference of your callousness, of your blatant disregard for their needs. This is supposed to be a government of the people, for the people, and by the people. It is time for this Congress to start acting like that.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleagues that the vote that we

are discussing is the rule on the duopoly bill, which will increase the number of credit rating agencies so that we can have more transparency, more accountability, so that not only investors will be protected, but also those folks who work for those businesses who have 401(k)s who have their savings invested in the company that they work for.

This will provide for them better protections, better transparency, and better accountability.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, let me just emphasize that there is no conflict between what the gentlewoman from West Virginia said and our approach. We are not trying to displace the underlying bill. We are seeking to defeat the previous question so we can also have a vote on the minimum wage.

Let me say first with regard to the underlying bill that the gentleman from Pennsylvania, who is the ranking member of our relevant subcommittee, who is a very thoughtful student of these matters, has a substitute; and I appreciate that it was made in order, which I think addresses the issue in a far more thoughtful fashion.

Interestingly, as he has noted, the approach we are taking here does not wait for input from the SEC, the Securities and Exchange Commission. I have found them to be in recent years a very thoughtful contributor to the process. So I will be strongly supporting the substitute the gentleman from Pennsylvania has put forward.

But none of that says that there is any conflict between that and the minimum wage. The amendment we will make, if the previous question is defeated, will not diminish any consideration of the underlying bill, it will simply give the House a chance to vote on the minimum wage.

Now, that is what the majority objects to. They do not believe sufficiently in the democratic process to allow a vote on it. Now, here is the reason. It certainly is not time. We finished up about 3 o'clock yesterday afternoon. We are going to finish about 3 o'clock this afternoon. We will be out Friday. We do very little those days.

The reason is very simple. There are two sets of issues around today. One set are issues that the American public favors and the majority does not. They do not come up, because the majority is afraid they might pass.

The other set of issues are those that the majority favors and the American public does not. They do not come up either. So we do very little because the majority has had to confront the fact that its agenda is unpopular with the American people. As Members of the majority are running for reelection, as are we, they are trying very hard to avoid those votes which would be un-

popular with their voters. What other justification is there for the House of Representatives not voting on the minimum wage?

If Members are opposed to it, let them vote "no." I must say that the evidence, the last time we raised the minimum wage in 1996, was overwhelmingly that the minimum-wage increase caused no negative effect on employment.

In fact, in those areas of the economy at that time where the minimum wage is relevant, there were job shortages because the minimum wage, if anything, may have influenced some people to enter the economy. So there is no economic reason to vote against it.

By the way, it is particularly relevant, and I speak here as a member of the Financial Services Committee, for us to bring it up in this context, because we have a bill that I have introduced into the Financial Services Committee supported by people on our side to give stockholders the right to vote on CEO salaries.

We have this extraordinary disparity in this country between hardworking people doing difficult and unpleasant jobs, 40 hours a week, for a pittance, \$5.15 an hour, too little to support their families; and then we have CEOs getting tens and hundreds of millions of dollars when there is no connection between their work and the success of their companies that anybody has been able to measure.

I will say, the majority is consistent. They do not want us to vote to raise the minimum wage, they do not want to vote to do anything about CEO salaries. By the way, we do not want Congress to set CEO salaries, we want to let the stockholders vote on them.

Well, the majority is consistent. They do not think that Congress ought to vote on the minimum wage, they do not think that stockholders ought to vote on how CEOs get paid with the stockholders' money.

I guess we should take some comfort from the fact that the majority does not want to allow a vote on this. The problem is that they understand that it is popular with the American people, and they are afraid that it might pass, or alternatively, it would fail only after, what, a 3-or-4-hour roll call, in which enough Members were pressured not to vote for it, so it would fail by one vote.

We are really here talking about not just economic fairness, but democracy. This bill is the only opportunity we have to get a vote on the minimum wage because the majority has refused to allow democracy to function.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it rather ironic that the bill before us today is a bill that I think would help go a long way towards bringing more transparency and accountability to credit rating agencies. They agree with the principles behind the bill, which would avert and help the working people of

America to make not only better investment decisions, but to know that the company that they are working for and entrusting their savings with is going to have a fair and balanced look at their books.

We have no disagreement in terms of the rule. We have two different approaches to this, and I think we would really be well served to keep the debate looking towards how we can best protect those working people under the realm of the bill that we are discussing today.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I am generally pleased that the passage of this rule will make in order a substitute to H.R. 2990. I nevertheless rise to express some concerns about the rule, as well as to articulate some of my apprehensions about the underlying bill.

Regarding the rule itself, the 20 minutes of debate for the substitute should have been longer in considering H.R. 2990. We also have a classic debate here on quantity versus quality.

At its core, 2990 seeks to promote competition among nationally recognized credit raters by increasing the quantity of approved agencies. Critics of the present designation system have raised legitimate concerns about competition. I agree with the supporters of 2990 that increasing competition in the credit ratings used for regulatory purposes is a desirable goal.

We, however, should not seek to increase quantity of raters by sacrificing the quality of their ratings. In this debate, the issue of quality of ratings is at least equally important as the issue of quantity of raters. We, therefore, should have had an equal amount of time to debate this quantity-quality question on the floor. An equally balanced debate between the substitute and the general debate on the bill would have allowed for a more thorough vetting of these important matters.

Now, let me turn to the bill itself. I would like to use the remainder of my time to make some observations.

First, a robust, free market for trading debt securities relies on an independent assessment of financial strength provided by credit rating agencies, entities like Moody's, Fitch and Standard & Poor's.

I have deep concerns and reservations about considering H.R. 2990, because it dramatically alters the way in which we identify the bodies that issue the credit ratings used for essential regulatory purposes and undermines the integrity of credit ratings. More significantly, I am concerned that 2990 could allow history to repeat itself.

Under the worst case scenario, the bill would allow financial institutions to hold debt instruments in their portfolios that would not truly be investment grade, causing another taxpayer

bailout similar to the savings and loan crisis. Moreover, the area of rating agency oversight is very technical. We should have thus worked with the experts of the Securities and Exchange Commission on these specialized matters.

The failure to work with our Nation's primary securities regulator on H.R. 2990 is unexplainable, and a poor way to develop public policy. Instead of taking a hard approach with the Securities and Exchange Commission and guiding the legislation for the best interests of the public, we do neither.

Mr. Speaker, this is important, not necessarily to the wealthiest or most sophisticated investors in America; this is important to the average investors in America, their pension funds and other investment instrumentalities. These nationally recognized statistical rating organizations are not just some dealership; they rate quality of portfolios that affect trillions of dollars in our economy.

If we open up for purposes of quantity and competition this registration without addressing the question of quality, we run the risk that the misusers of this proposal will file, will register as a nationally recognized statistical rating organization, and will literally be able to sell their ratings to portfolios in the future and to instruments in the future.

What will happen and what is the weakness here? This bill can pass today, open up those loopholes and the reality will not be known for 5, 10 or 15 years, until the next financial crisis in this country.

We have no need to make this rush today. We should do it right. I ask that the substitute be supported.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentlewoman from California for yielding me time.

Mr. Speaker, today we are considering legislation brought by the majority party that will help investors invest and help Fortune 500 companies increase their bottom line. I want to talk about 15 million people who will not be affected by this bill, who will not be investing any money this year, the 15 million people trapped by the low level of the Federal minimum wage.

Mr. Speaker, we should be discussing legislation today to increase the Federal minimum wage. The Federal minimum wage has not been brought to a vote on the House floor because the majority party will not allow it to be brought. And yet millions of people are stuck at a low minimum wage of \$5.15 an hour.

Just think about it. You do not have to have a vivid imagination to understand how hard it is for a family, and many families we are talking about, not just high school kids, many fami-

lies trying to get by on \$5.15 an hour, the lowest level in purchasing power in 50 years.

We will have a recorded vote in a few minutes on the previous question. This is not an arcane parliamentary procedure. Every editorial board, every citizen group, every voter ought to understand what this vote means. It means, will we have a vote on the floor about raising the minimum wage to something that is tolerably humane?

□ 1130

We have the time to do it. Mr. FRANK pointed out, yesterday we finished legislative business midafternoon, today we will finish in the midafternoon. Friday we won't even be in. We have time. We could do it.

But I ask the majority party, do you think we have no time? Has the majority party no heart? Have they no brain? The evidence is clear: Raising the minimum wage makes economic sense.

It is not just a matter of compassion and heart, although that should be reason enough to raise the minimum wage, but it is also good economic practice.

We have the opportunity to do it. The minimum wage has been frozen for nearly 9 years at this low, inhumane rate. The vote on the previous question is a very clear vote; it is whether or not we are going to leave these people stranded at the low, inhumane, minimum-wage rate, or whether we, on the floor, are going to consider raising it. That is what the vote means.

Mrs. CAPITO. Mr. Speaker, it is my honor to yield 4 minutes to Mr. BAKER of Louisiana, a champion of the Financial Services Committee.

Mr. BAKER. I thank the gentlewoman for yielding time.

Mr. Speaker, I rise today to express concern about where we are and where we have been with our current credit rating agency methodologies.

Many have come to the well today to express concern that we will be sacrificing quality for the sake of quantity. Let us simply go back a few short months, a few short years, and think about the irate comments made on the floor of this House with the disclosures of WorldCom and Enron and Global Crossing; and you make your own list. Guess what, the keepers of the gate were on duty when all that happened.

We can go back a little further to the tragic loss of taxpayer resources in the S&L crisis. Guess who was on duty.

It is the structure that some stand before the House today to defend and decry that we are going to sacrifice quality. Well, gentlemen, if that is your definition of quality, we have had enough. It is time to make a change.

What do we suggest? Just lightly opening the doors and let someone run down the hall and say, now I am an NSRSO, I am qualified? No, you have to be in business for 3 years. That is a pretty long internship to spend money and resources to establish you have the ability to issue credit ratings on which the market invests its confidence.

Let us think one more step, Fannie Mae and Freddie Mac. Some may be surprised to know that after a multiyear, multibillion dollar restatement, Fannie Mae cannot issue financials that meet their auditing requirements for the public benefit. Today, they can't.

Others may be surprised to learn that 43 percent of America's financial institutions have 100 percent of their tier one capital requirement invested in Fannies and Freddie's. Now, some people rush to say, oh, no, it is not all Fannies and Freddie's. Oh, great, it is Farm Credit System; that is even better.

The point is, we have the financial security of our Nation and our financial system invested for the money in the sock drawer when things go bad, the tier one capital requirement, so if they hit a bump in the road, they can reach in the drawer and pull out a few bucks and pay off the loan. That money is tied up in Fannie and Freddie securities that this enterprise, S&P and Moody's, have said are great, they are fine, notwithstanding the fact that for 5 years corporate executives paid themselves \$250 million in bonuses on financials where they cooked the books. Boy, we have got a great system; I am going to fight to the death over preserving this.

Look at what it has done for America's taxpayers and American investors. Man, if there ever was a clear-cut case to make a change, why aren't we making the change? If you don't believe me, go to McGraw-Hill's Web page. Go to McGraw-Hill's Web page and look at the income from S&P, which is a subsidiary of McGraw-Hill. In 2005, their operating revenue was 2.4 billion; their operating profit was 1 billion. Now, friends, a 42.5 percent rate of return on your operating expense is a pretty hefty rate of return; it represents 68 percent of McGraw-Hill's entire operating profit. McGraw-Hill is only one of 34 companies to have increased its dividend payments for 33 consecutive years.

Put it in perspective. In looking at the first quarter performance in 2005 versus the similar quarter in 2004, McGraw-Hill actually lost money in its educational activities. It had in its information and media arena, down 65 percent; but financial services, which is S&P, it was up \$222,512,000.

I think I figured out 222 million reasons why this bill is controversial. It is a fight about money. Let's get it right this time.

Ms. MATSUI. I yield 5 minutes to the gentleman from Wisconsin, my friend, Mr. OBEY.

Mr. OBEY. Mr. Speaker, we are being asked why we are raising the issue of the minimum wage on this legislation. The answer to that is very simple: The way this House works, absolutely nothing can be brought to the floor for a House vote unless we have the permission of the majority party leadership to do so. And the fact is that for the

last month they have been absolutely stonewalling every single effort to bring an increase in the minimum wage to this floor. So that is why we are raising this question on this rule.

This President and this Congress, this year, are going to provide \$50 billion in tax cuts for people who make more than \$1 million a year. This year, the Congress has virtually voted to repeal the inheritance tax on the wealthiest 1 percent of people in this society. This year, the Congress has also voted to make further cuts in capital gains, a huge portion of which go to the wealthiest 10 percent of the people in this country. This year, the Congress is apparently willing to allow the cost-of-living increase to go through for Members of Congress, but for those stuck at the bottom of our economy on the minimum wage, they are being told, "sorry, suckers, you have got to wait for the ninth year in a row without an adjustment in your wages."

That is not right, it is not fair, and it is not moral.

The value of the minimum wage is at a 51-year low. The gap between the wealthiest 1 percent of people in this society and everybody else has never been broader than it is today. It is far worse than it is in merry olde England with its monarchy and its House of Lords and its House of Commons.

This economy is working fabulously well for the Shaquille O'Neals of this society or the CEOs of our Fortune 500 corporations. They are making at least 200 times as much as the average workers do in this country. Under Jack Kennedy, that ratio was about 16 times as much. That shows you what has happened over the past generation.

A minimum-wage increase can help make this economy work for everybody, not just those at the top of the ladder. It can help lift all boats, not just the yachts.

This Congress has had time to name dozens of post offices, it has found time to tell Terry Schiavo's family in Florida how to handle their own private business, but somehow the Republican leadership of this House can't find the time to respond to the needs of people on life's underside.

It is about time we have a change in direction on that score in this country. It is about time we have a change of heart in this place. It is about time that we do something about the wage needs of the poorest people in this society. And that is why I would urge people to vote against the previous question in protest to the Republican leadership's stonewalling of this issue.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, the Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I rise and I certainly adopt the remarks of Mr. OBEY from Wisconsin.

We are talking about a credit bill. We are talking about making it in order.

In order to have credit, you have to have resources. In order to have resources in our country, we think you need to work. And when you work, we ought to pay you. We ought to pay you a decent, fair wage for working hard and playing by the rules.

Now, some would say, well, we ought not to put this on this credit bill. If we defeat the previous question, we are going to offer an increase in the minimum wage to \$7.25 over three increments starting with January 1, the Miller-Owens bill. We are going to offer that because we think it is the right thing to do. We are going to offer it because we think the overwhelming majority of Americans think it is the right thing to do. In fact, in polling data, they show that 86 percent of Americans think it is fair and right and timely to increase the minimum wage.

If, in 1968, we applied simply the same cost-of-living adjustment we provided for Social Security recipients, minimum-wage workers would be earning \$9.05 today. Now, what would that do? That would take them above the poverty line. Right now, if you work hard and play by the rules and you are one of 6.6 million Americans, 75 percent of whom are adults, and you take them and pay them fully the minimum wage, they are living in poverty. That is not right in America.

In Florida, they put this issue on the ballot, and 72 percent of Floridians went to the polls and not only increased the minimum wage, but included in it a cost escalator for inflation, 72 percent of Floridians.

Ladies and gentlemen, this is the fair thing to do, it is the right thing to do, it is the timely thing to do.

And, very frankly, those on the minimum wage, mired in poverty and hopelessness, we talk about an opportunist society. There is no opportunity living in poverty. If you believe in an opportunist society, you believe in paying people a decent wage so in the richest Nation on the face of the Earth they have an opportunity to survive.

This President talks about an ownership society. Which one of you thinks that on \$5.15 an hour you can own anything, your car, your home, your hope?

What defeating the previous question will do is it will give hope to 6.6 million people, and indeed many more, because those 6.6 million people live in families that are struggling as well, and they are participating in trying to make it with those families.

Ladies and gentlemen, defeat the previous question. Let us pass the minimum wage. It is far past the time when we should have done that, but it is time today that we do that. Let's be fair. Raise the minimum wage.

Mrs. CAPITO. Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I have no further speakers. And since the gentlewoman has no further speakers, I will go to closing.

The SPEAKER pro tempore. The gentlewoman from California has 3½ minutes remaining.

Ms. MATSUI. Mr. Speaker, I will be asking Members to vote "no" on the previous question so I can amend the rule and provide this House with an opportunity to vote on legislation to increase the Federal minimum wage, something that has not happened in almost 10 years.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage from the current level of \$5.15 an hour to \$7.25 an hour after about 2 years.

This bill has 136 cosponsors and a discharge petition to bring to the House, the bill to the floor, and has the signatures of 190 Members of the House. This bill is also identical to language as included in the Labor-HHS appropriations bill that was blocked by the leadership just last month.

Mr. Speaker, it is unconscionable that this Congress has refused to help America's low-income workers and their families by increasing the minimum wage. Somehow there is always time for another tax break for multimillionaires who don't need the money, but nothing to ease the financial struggle that low-income families face each day.

The minimum wage is now at its lowest level in 50 years. A full-time, minimum-wage earner earns just \$10,700 a year, an amount that is \$5,000 below the poverty line for a family of three. It takes a full day's pay just to pay for a tank of gas.

□ 1145

Mr. Speaker, I urge all Members to vote "no" on the previous question so that we can help millions and millions of American workers who would directly benefit from an increase in the minimum wage.

I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question is nothing more than an exercise because the minority wants to offer an amendment that would otherwise be ruled out of order as non-germane. So the vote is without substance.

The previous question vote itself is a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

At this point in the RECORD, Mr. Speaker, I insert an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I would like to say that the underlying legislation is an important step towards improving transparency in the credit rating industry and the quality of information provided by the agencies. The industries receiving credit ratings are wide-ranging, from information technology, healthcare, manufacturing, financial services, and the list goes on.

I would also like to remind my colleagues that many, many workers in America and investors in America are heavily reliant on the full health of the companies that they work for and invest in, all up and down the economic ladder. Allowing smaller industry specific credit rating agencies to enter the market will improve the information provided to investors.

We cannot forget those workers of Enron and WorldCom who were saving for colleges, saving for retirement, and basically left penniless. With the ever-increasing importance placed on these ratings by investors, it is important that clear requirements for registration of credit rating agencies be created, and this legislation is a giant step towards that goal.

I would like to remind my colleagues that this fair rule makes in order all germane amendments that were presented to the Committee on Rules.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION ON H. RES. 906, RULE FOR H.R. 2990 CREDIT RATING AGENCY DUOPOLY RELIEF ACT

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R09Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution \* \* \* [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does not have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005

Mr. McKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Career and Technical Education Improvement Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Purpose.
- Sec. 4. Definitions.
- Sec. 5. Transition provisions.
- Sec. 6. Limitation.
- Sec. 7. Authorization of appropriations.
- TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES
- Sec. 101. Career and technical education assistance to the States.
- Sec. 102. Reservations and State allotment.
- Sec. 103. Within State allocation.
- Sec. 104. Accountability.
- Sec. 105. National activities.
- Sec. 106. Assistance for the outlying areas.
- Sec. 107. Native American program.
- Sec. 108. Tribally controlled postsecondary career and technical institutions.
- Sec. 109. Occupational and employment information.
- Sec. 110. State administration.
- Sec. 111. State plan.
- Sec. 112. Improvement plans.
- Sec. 113. State leadership activities.
- Sec. 114. Distribution of funds to secondary school programs.
- Sec. 115. Distribution of funds for postsecondary career and technical education programs.
- Sec. 116. Special rules for career and technical education.
- Sec. 117. Local plan for career and technical education programs.
- Sec. 118. Local uses of funds.
- Sec. 119. Tech-Prep education.

### TITLE II—GENERAL PROVISIONS

- Sec. 201. Redesignation of title.
- Sec. 202. Fiscal requirements.
- Sec. 203. Voluntary selection and participation.
- Sec. 204. Limitation for certain students.
- Sec. 205. Authorization of Secretary; participation of private school personnel.



Sec. 206. Student assistance and other Federal programs.

Sec. 207. Table of contents.

## SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

## SEC. 3. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in paragraph (1), by striking “standards” and inserting “and technical standards, and to assist students in meeting such standards, including student academic achievement standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions”;

(3) in paragraph (2), by inserting “challenging” after “integrate”;

(4) in paragraph (3), by striking “and” after the semicolon;

(5) in paragraph (4)—

(A) by inserting “conducting and” before “disseminating national”;

(B) by inserting “disseminating information on best practices,” after “national research,”; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(5) promoting leadership, initial preparation, and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

“(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career technical centers, local workforce investment boards, business and industry, professional associations, and intermediaries; and

“(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.”.

## SEC. 4. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (29) and (30);

(2) by redesignating paragraphs (5), (6), (7) through (12), (13) through (16), (17) through (22), and (23) through (28), as paragraphs (10), (12), (14) through (19), (21) through (24), (26) through (31), and (33) through (38), respectively;

(3) in paragraph (2), by inserting “, including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate” after “to enter”;

(4) in paragraph (3)—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(B) by striking “vocational” each place the term appears and inserting “career”;

(5) by striking paragraph (4) and inserting the following:

“(4) ARTICULATION AGREEMENT.—The term ‘articulation agreement’ means a written commitment—

“(A) that is approved annually by the relevant administrators of—

“(i) a secondary institution and a postsecondary educational institution; or

“(ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

“(B) to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.”;

(6) by inserting after paragraph (4) (as amended by paragraph (5)) the following:

“(5) CAREER AND TECHNICAL EDUCATION.—The term ‘career and technical education’ means organized educational activities that—

“(A) offer a sequence of courses (which may include work-based learning experiences) that—

“(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

“(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

“(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term ‘career and technical education student’ means a student who enrolls in a clearly defined sequence of career and technical education courses (which may include work-based learning experiences) leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

“(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘career and technical student organization’ means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

“(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term ‘career guidance and academic counseling’ means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, including baccalaureate degree programs, financial aid, and postsecondary options.

“(9) CAREER PATHWAY.—The term ‘career pathway’ means a coordinated and non-duplicative sequence of courses (which may include work-based learning experiences) and associated credits that—

“(A) shall identify both secondary and postsecondary education elements;

“(B) shall include challenging academic and career and technical education content that adequately prepares students to pursue the postsecondary education element identified under subparagraph (A);

“(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

“(D) culminates in technical skill proficiency, an industry-recognized credential, a

certificate, a degree, or completion of a recognized apprenticeship program.”;

(7) in paragraph (10) (as redesignated by paragraph (2)), by striking “5206” and inserting “5210”;

(8) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

“(11) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

“(B) includes tribally controlled colleges or universities.”;

(9) in paragraph (12) (as redesignated by paragraph (2))—

(A) by striking “method of instruction” and inserting “method”; and

(B) by striking “vocational” and inserting “career”;

(10) by inserting after paragraph (12) (as redesignated by paragraph (2)) and amended by paragraph (9)) the following:

“(13) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.”;

(11) in paragraph (16) (as redesignated by paragraph (2)), by striking “vocational” both places the term appears and inserting “career”;

(12) in paragraph (17) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking “an institution of higher education” and inserting “a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree”; and

(B) in subparagraph (C), by striking “vocational” and inserting “career”;

(13) in paragraph (18)(A) (as redesignated by paragraph (2)), by striking “agency, an area vocational” and inserting “agency (including a public charter school that operates as a local educational agency), an area career”;

(14) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

“(20) GRADUATION AND CAREER PLAN.—The term ‘graduation and career plan’ means a written plan for a secondary career and technical education student, that—

“(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

“(B) is reviewed annually and modified as needed;

“(C) includes relevant information on—

“(i) secondary school requirements for graduating with a diploma;

“(ii) postsecondary education admission requirements; and

“(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

“(D) states the student’s secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.”;

(15) by inserting after paragraph (24) (as redesignated by paragraph (2)) the following:



“(25) LOCAL WORKFORCE INVESTMENT BOARD.—The term ‘local workforce investment board’ means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).”;

(16) in paragraph (26) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “TRAINING AND EMPLOYMENT” and inserting “FIELDS”; and

(B) by striking “training and employment” and inserting “fields”;

(17) in paragraph (27) (as redesignated by paragraph (2)), by striking “the Commonwealth” and all that follows through the period and inserting “and the Commonwealth of the Northern Mariana Islands.”;

(18) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

“(32) SELF-SUFFICIENCY.—The term ‘self-sufficiency’ means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.”;

(19) in paragraph (33) (as redesignated by paragraph (2))—

(A) in subparagraph (C), by striking “training and employment” and inserting “fields”; and

(B) in subparagraph (F), by striking “individuals with other barriers to educational achievement, including”;

(20) in paragraph (35) (as redesignated by paragraph (2)) by striking “, and instructional aids and devices” and inserting “instructional aids, and work supports”;

(21) by striking paragraph (36) (as redesignated by paragraph (2)) and inserting the following:

“(36) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

“(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

“(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

“(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses (which may include work-based learning experiences);

“(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

“(F) leads to placement in high skill, high wage employment or to further education; and

“(G) utilizes career pathways, to the extent practicable.”; and

(22) in paragraph (38) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”;

(B) in the matter preceding subparagraph (A)—

(i) by striking “vocational” and inserting “career”;

(ii) by striking “paragraph (2)” and inserting “subsection (a)(2)”;

(iii) by striking “paragraph (5)(A)” and inserting “subsection (a)(5)”;

(C) in subparagraph (F), by striking “vocational” and inserting “career”.

## SEC. 5. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended by striking “the Carl D. Perkins Vocational and Applied Technology Education Act” and all that follows through the period and inserting “this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.”.

## SEC. 6. LIMITATION.

Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

## SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended—

(1) by striking “title II” and inserting “part D of title I”; and

(2) by striking “1999 through 2003” and inserting “2006 through 2011”.

## TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

### SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

### “TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES”.

### SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

Section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in paragraph (1)(C), by striking “2001 through 2003,” and inserting “2006 through 2011.”; and

(2) by striking paragraphs (3) and (4) and inserting the following:

“(3) MINIMUM ALLOTMENT.—Subject to paragraph (4), no State, other than the United States Virgin Islands, shall receive for a fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

“(4) HOLD HARMLESS.—

“(A) FISCAL YEARS 2006 THROUGH 2008.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2006 through 2008 that is less than the allotment the State received under this part (as this part was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005) for fiscal year 2005.

“(B) FISCAL YEARS 2009 THROUGH 2011.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2009 through 2011 that is less than 95 percent of the allotment the State received under this section for the preceding fiscal year.

“(C) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the requirements of subparagraph (A) or (B), the payments to all States under such subparagraph shall be ratably reduced.”.

### SEC. 103. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding “and” after the semicolon; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) not more than 15 percent or \$750,000, whichever is greater, for—

“(A) State leadership activities described in section 124, of which—

“(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(ii) not less than \$60,000 shall be available for services that prepare individuals for non-traditional fields; and

“(B) administration of the State plan, which may be used for the costs of—

“(i) developing the State plan;

“(ii) reviewing the local plans;

“(iii) monitoring and evaluating program effectiveness;

“(iv) assuring compliance with all applicable Federal laws;

“(v) providing technical assistance; and

“(vi) supporting and developing State data systems relevant to the provisions of this Act.”;

(2) in subsection (b), by striking “subsection (a)(3)” both places the term appears and inserting “subsection (a)(2)(B)”;

(3) by striking subsection (c) and inserting the following:

“(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

“(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

“(A) rural areas; or

“(B) areas with high percentages or high numbers of career and technical education students;

“(2) reserve funds, with the approval of participating eligible recipients, for—

“(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

“(i) developing and implementing technical assessments;

“(ii) improving the initial preparation and professional development of career and technical education teachers, faculty, principals, administrators, and counselors; and

“(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

“(B) the development and implementation of career pathways or career clusters; and

“(3) carry out activities described in paragraphs (1) and (2).”.

### SEC. 104. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) by striking “a State performance accountability system” and inserting “and support State and local performance accountability systems”;

(B) by inserting “and its eligible recipients” after “of the State”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”;

(ii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”;

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

“(iii) Student rates of attainment of—

“(I) a secondary school diploma;

“(II) the recognized equivalent of a secondary school diploma;

“(III) technical skill proficiency;

“(IV) an industry-recognized credential;

“(V) a certificate; and

“(VI) a degree.

“(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

“(v) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in nontraditional fields.”;

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of technical skill proficiency, an industry-recognized credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

“(iii) Placement in military service, apprenticeship programs, or employment.

“(iv) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in—

“(I) nontraditional fields; and

“(II) high skill, high wage, high demand occupations or professions.

“(v) Increase in earnings, where available.”;

(iv) in subparagraph (C) (as redesignated by clause (ii) of this subparagraph), by striking “the title.” and inserting “this title, such as attainment of self-sufficiency.”;

(v) in subparagraph (D) (as redesignated by clause (ii) of this subparagraph), by inserting “career and technical education” after “developed State”;

(vi) in subparagraph (E) (as redesignated by clause (ii) of this subparagraph)—

(I) by striking “this paragraph” and inserting “subparagraphs (A) and (B)”;

(II) by striking “solely”; and

(III) by striking “recipients.” and inserting “recipients, and shall meet the requirements of this section.”; and

(vii) by adding at the end the following:

“(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.”;

(C) in paragraph (3)—

(i) in the paragraph heading, by striking “LEVELS” and inserting “STATE LEVELS”;

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”;

(bb) by inserting “after taking into account the local adjusted levels of performance and” after “eligible agency.”; and

(cc) by striking subclause (II) and inserting the following:

“(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.”;

(II) in clause (v)—

(aa) in the clause heading, by striking “3RD, 4TH, AND 5TH” and inserting “SUBSEQUENT”;

(bb) by striking “third program year” and inserting “third and fifth program years”; and

(cc) by striking “third, fourth, and fifth” and inserting “corresponding subsequent”;

(III) in clause (vi)(II), by inserting “and significant” after “continuous”; and

(IV) in clause (vii), by striking “or (vi)” and inserting “or (v)”;

(iii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”;

(D) by adding at the end the following:

“(4) LOCAL LEVELS OF PERFORMANCE.—

“(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

“(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

“(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

“(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

“(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient’s levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

“(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local ad-

justed levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

“(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

“(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

“(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

“(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

“(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.”; and

(4) by striking subsection (c)(1)(B) and inserting:

“(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations and gender, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.”.

#### SEC. 105. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)(1), by striking “, including an analysis of performance data regarding special populations” and inserting “, including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual”;

(3) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) INDEPENDENT ADVISORY PANEL.—

“(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the

methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

“(B) MEMBERS.—The advisory panel shall consist of—

“(i) educators, principals, administrators, and chief executives (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

“(ii) experts in evaluation, research, and assessment;

“(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and State workforce investment boards established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) or local workforce investment boards;

“(iv) parents;

“(v) career guidance and academic counseling professionals; and

“(vi) other individuals and intermediaries with relevant expertise.

“(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

“(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.”;

(B) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.”;

(ii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

“(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty.”;

(II) by striking clause (v) and inserting the following:

“(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

“(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

“(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

“(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

“(IV) the number of career and technical education students receiving a high school diploma.”;

(III) in clause (vi), by inserting “, and career and technical education students’ preparation for employment” after “programs”;

(IV) in clause (viii), by inserting “and local” after “State” both places such term appears; and

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”; and

(bb) by striking “2002” both places it appears and inserting “2009”; and

(II) in clause (ii), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(C) in paragraph (4)(B), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “higher education” and all that follows through “centers” and inserting “higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center”;

(II) in clause (i)—

(aa) by inserting “and evaluation” after “to carry out research”; and

(bb) by inserting “, including special populations,” after “participants”;

(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(IV) by inserting after clause (i) the following:

“(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

“(I) collaboration between career and technical education programs and business and industry;

“(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

“(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business.”;

(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting “that are integrated with challenging academic instruction” before “, including”; and

(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

“(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

“(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

“(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

“(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and

technical education skills, State academic standards, and related materials; and

“(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and”;

(ii) in subparagraph (B)—

(I) by striking “or centers” both places the term appears; and

(II) by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(iii) in subparagraph (C), by striking “or centers”; and

(iv) by adding at the end the following:

“(D) INDEPENDENT GOVERNING BOARD.—

“(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

“(ii) MEMBERS.—The independent governing board shall consist of the following:

“(I) Two representatives of secondary career and technical education.

“(II) Two representatives of postsecondary career and technical education.

“(III) Two representatives of eligible agencies.

“(IV) Two representatives of business and industry.

“(V) Two representatives of career and technical teacher preparation institutions.

“(VI) Two nationally recognized researchers in the field of career and technical education.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”; and

(F) by striking paragraph (8); and

(4) by adding at the end the following:

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

#### SEC. 106. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the Republic of the Marshall Islands, the Federated States of Micronesia.”;

(B) in paragraph (1), by striking “training and retraining,” and inserting “preparation”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following:

“(2) professional development for teachers, faculty, principals, and administrators.”;

(3) in subsection (d)—

(A) by striking “the Republic of the Marshall Islands, the Federated States of Micronesia, and”; and

(B) by striking “2001” and inserting “2007”.

#### SEC. 107. NATIVE AMERICAN PROGRAM.

Section 116 (20 U.S.C. 2326) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)(5), by adding a period at the end;

(3) in subsection (b)—

(A) in paragraph (1), by striking “(d)” and inserting “(c)”;

(B) in paragraph (2), by striking “(other than in subsection (i))”;

(4) in subsection (d), by striking “section an” and inserting “section, an”;

(5) in subsection (e), by striking “paragraph” and inserting “section”; and

(6) in subsection (h), by striking “which are recognized by the Governor of the State of Hawaii”.

#### **SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.**

Section 117 (20 U.S.C. 2327) is amended—

(1) by striking the section heading and inserting the following:

#### **“SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.”;**

(2) by striking “vocational” each place the term appears and inserting “career”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “The Secretary” and inserting “On an annual basis, the Secretary”;

(B) in paragraph (2)(B), by striking “2000” and inserting “2007”; and

(C) in paragraph (3)(C), by striking “beginning” and all that follows through the period and inserting “beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.”;

(4) by redesignating subsections (h) and (i) as subsections (j) and (k), respectively;

(5) by inserting after subsection (g) the following:

“(h) APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

“(A) A determination that such institution is not eligible for a grant under this section.

“(B) A determination regarding the calculation of the amount of a grant awarded under this section.

“(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

“(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

“(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

“(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

“(ii) identify the amount of funding that gives rise to such appeal.

“(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.

“(i) RESTRICTED INDIRECT COST.—Notwithstanding any other provision of law, the Secretary shall not request the use of a restricted indirect cost rate for grants awarded under this section.”; and

(6) by striking subsection (k) (as redesignated by paragraph (4) of this section) and inserting the following:

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

#### **SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.**

Section 118 (20 U.S.C. 2328) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(f)” and inserting “(g)”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “(b)” both places it appears and inserting “(c)”;

(ii) in subparagraph (B), by striking “(b)” and inserting “(c)”;

(iii) in subparagraph (C), by striking “(b)” and inserting “(c)”;

(C) in paragraph (2), by striking “(b)” both places it appears and inserting “(c)”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) STATE APPLICATION.—

“(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

“(B) information about the academic content standards and student academic achievement standards adopted by the State under section 111(b)(1) of the Elementary and Secondary Education Act of 1965.”;

(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

(A) in paragraph (1), by striking “individuals” and all that follows through the semicolon and inserting “students and parents, including postsecondary education and training, including academic and technical preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions.”;

(B) in paragraph (2), by inserting “academic and career and technical” after “related”;

(C) by striking paragraph (3) and inserting the following:

“(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields, including occupations and fields requiring a baccalaureate degree.”;

(D) in paragraph (4), by striking “such entities” and inserting “such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions.”;

(E) in paragraph (5), by striking “and” after the semicolon;

(F) in paragraph (6), by striking the period and inserting “; and”;

(G) by adding at the end the following:

“(7) to provide information, if available, for each occupation, on—

“(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

“(B) the expected lifetime earnings; and

“(C) the expected future demand for the occupation, based on employment projections.”;

(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” both places it appears and inserting “(c)”;

(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” and inserting “(c)”;

(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking “an identification” and inserting “a description”; and

(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking “1999 through 2003” and inserting “2006 through 2011”.

#### **SEC. 110. STATE ADMINISTRATION.**

Section 121 (20 U.S.C. 2341) is amended—

(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) by striking the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

“(1) IN GENERAL.—The responsibilities” and inserting the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities”;

(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking “training and employment” and inserting “fields”;

(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

(A) by inserting “teacher and faculty preparation programs,” after “teachers.”; and

(B) by inserting “all types and sizes of” after “representatives of”;

(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking “paragraph (1)” and inserting “subsection (a)”.

#### **SEC. 111. STATE PLAN.**

Section 122 (20 U.S.C. 2342) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “5” and inserting “6”; and

(ii) by adding at the end the following: “Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency's State plan submission obligation under this section.”; and

(B) in paragraph (2)(B), by striking “5 year State plan” and inserting “6-year period”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)) and carried out by one-stop partners, the State workforce investment board, interested community members (including parent and community organizations), representatives of special populations, representatives of business and industry (including representatives of small business and economic development entities), and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.”;

(4) by striking subsection (c) and inserting the following:

“(c) PLAN CONTENTS.—The State plan shall include information that—

“(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

“(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

“(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

“(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

“(iii) make available information about career pathways offered by eligible recipients; and

“(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

“(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

“(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

“(i) promote higher levels of academic achievement;

“(ii) promote higher levels of technical skill attainment; and

“(iii) identify and address workforce needs;

“(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

“(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

“(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are relevant and challenging;

“(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

“(A) promote the integration of challenging academic curricula and career and technical education curricula, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

“(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

“(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

“(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

“(E) equip career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors with the knowledge and skills needed to work with and improve instruction for special populations;

“(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

“(G) enhance the leadership capacity of principals and administrators;

“(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

“(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

“(3) describes efforts to improve—

“(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

“(B) the transition to teaching from business and industry, including small business;

“(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

“(5) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) statewide articulation agreements between sub-baccalaureate career and technical education programs and baccalaureate degree programs;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling; and

“(D) other initiatives to encourage the pursuit of a baccalaureate degree and to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(6) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), State workforce investment boards, local workforce investment boards, economic development entities, and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

“(7) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

“(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

“(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

“(8) describes how the eligible agency will—

“(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

“(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

“(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

“(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

“(9) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

“(10) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

“(A) will be provided with equal access to activities assisted under this title;

“(B) will not be discriminated against on the basis of their status as members of the special populations; and

“(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

“(11) how the eligible agency will collaborate in developing the State plan with—

“(A) the entity within the State with responsibility for elementary and secondary education;

“(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

“(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

“(D) all other relevant State agencies with responsibility for career and technical education and training investment, and economic and workforce development;

“(12) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

“(13) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

“(14) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

“(15) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

“(A) the secondary level, disaggregated by the categories described in section 111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

“(B) the postsecondary level, disaggregated by special populations, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

“(16) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

“(17) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

“(18) describes how career and technical education relates to State and regional occupational opportunities;

“(19) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education and workforce investment programs;

“(20) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields in emerging and established professions;

“(21) describes how funds will be used to serve individuals in State correctional institutions;

“(22) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

“(23) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.”;

(5) by striking subsection (d) and inserting the following:

“(d) PLAN OPTIONS.—

“(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to ful-

fill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

“(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.”; and

(6) by striking subsection (f).

#### SEC. 112. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

#### “SEC. 123. IMPROVEMENT PLANS.

“(a) STATE PROGRAM IMPROVEMENT PLAN.—

“(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

“(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

“(3) FAILURE.—

“(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet more than 1 of the State adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

“(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

“(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

“(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

“(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

“(b) LOCAL PROGRAM IMPROVEMENT.—

“(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

“(2) PLAN.—

“(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines

that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

“(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

“(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

“(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

“(B) CONSULTATION.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

“(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

“(4) FAILURE.—

“(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

“(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

“(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.”.

#### SEC. 113. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a), by striking “112(a)(2)” and inserting “112(a)(2)(A)”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “further learning” and all that follows through the



semicolon and inserting "further education, further training, or for high skill, high wage, or high demand occupations;"

(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

"(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

"(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

"(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, workforce investment entities, and communications entities;"

(C) by striking paragraph (3) and inserting the following:

"(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

"(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

"(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

"(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

"(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

"(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;"

(D) in paragraph (4), by striking "support for" and inserting "supporting";

(E) in paragraph (5), by striking "nontraditional training and employment" and inserting "nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations";

(F) in paragraph (6)—

(i) by inserting "intermediaries," after "labor organizations,"; and

(ii) by inserting ", or complete career pathways, as described in section 122(c)(1)(A)" after "skills";

(G) in paragraph (7), by striking "and" after the semicolon;

(H) in paragraph (8), by striking "wage earners," and inserting "wage, or high demand occupations; and"; and

(I) by adding at the end the following:

"(9) technical assistance for eligible recipients.";

(4) by striking subsection (c) and inserting the following:

"(C) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

"(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

"(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

"(3) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

"(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

"(B) postsecondary dual and concurrent enrollment programs;

"(C) academic and financial aid counseling; and

"(D) other initiatives—

"(i) to encourage the pursuit of a baccalaureate degree; and

"(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

"(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

"(5) support for public charter schools operating secondary career and technical education programs;

"(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

"(7) support for family and consumer sciences programs;

"(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

"(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

"(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

"(11) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.);

"(12) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or

training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(13) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

"(14) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

"(15) improving—

"(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business; and

"(16) adopting, calculating, or commissioning a self-sufficiency standard.";

(5) in subsection (d), by striking "112(a)(2)" and inserting "112(a)(2)(A)".

#### SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

(A) in the subsection heading, by striking "SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS" and inserting "DISTRIBUTION RULES"; and

(B) by striking "for fiscal year 2000 and succeeding fiscal years";

(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

(A) by striking "subsection (b)" and inserting "subsection (a)"; and

(B) in paragraph (1), by striking "9902(2)" and inserting "9902(2)";

(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking "VOCATIONAL" and inserting "CAREER"; and

(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking "subsections (a), (b), (c), and (d)" and inserting "subsections (a), (b), and (c)".

#### SEC. 115. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 132 (20 U.S.C. 2352) is amended—

(1) by striking the section heading and inserting the following:

#### "SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS;"

and

(2) in subsection (a)—

(A) in paragraph (1), by inserting "for career and technical education programs leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree" before the period; and

(B) in paragraph (2), by inserting "leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate's degree and" after "enrolled in programs".

#### SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended—

(1) by striking the section heading and inserting the following:

#### "SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION;"

and

(2) by striking "vocational" each place such term appears and inserting "career".



**SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.**

Section 134 (20 U.S.C. 2354) is amended—

(1) by striking the section heading and inserting the following:

**“SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.”;**

(2) in subsection (a), by inserting “and workforce investment” after “such other educational”; and

(3) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

“(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

“(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

“(3) describe how the eligible recipient will—

“(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

“(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

“(C) provide students with strong experience in and understanding of all aspects of an industry; and

“(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

“(4) describe how comprehensive professional development will be provided that is consistent with section 122;

“(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of the local workforce investment board (if applicable), representatives of the local economic development entity (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

“(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

“(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

“(8) describe how the eligible recipient—

“(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

“(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of perform-

ance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

“(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

“(10) describe how funds will be used to promote preparation for nontraditional fields;

“(11) describe how career guidance and academic counseling will be provided to all career and technical education students, including linkages to the information and services available through the one-stop delivery system established under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841), as appropriate; and

“(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.”.

**SEC. 118. LOCAL USES OF FUNDS.**

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (a), by striking “vocational” and inserting “career”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (1) through (8) and inserting the following:

“(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

“(2) link secondary career and technical education and postsecondary career and technical education, including by—

“(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

“(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

“(C) supporting tech-prep programs and consortia;

“(3) provide students with strong experience in and understanding of all aspects of an industry;

“(4) develop, improve, or expand the use of technology in career and technical education, which may include—

“(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

“(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

“(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

“(A) in-service and pre-service training—

“(i) in career and technical education programs and techniques;

“(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

“(iii) in effective teaching skills based on research that includes promising practices; and

“(iv) in effective practices to improve parental and community involvement;

“(B) support of education programs that provide information on all aspects of an industry;

“(C) internship programs that provide relevant business experience; and

“(D) programs dedicated to the effective use of instructional technology;

“(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

“(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

“(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

“(9) provide activities to prepare special populations, including single parents and displaced homemakers (if enrolled in the program), for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (2) through (15) and inserting the following:

“(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

“(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

“(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

“(3) for partnerships between or among the eligible recipient and a business (including a small business or business intermediary), a local workforce investment board, or a local economic development entity, including for—

“(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

“(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

“(C) industry experience for teachers and faculty;

“(4) to provide programs for special populations;

“(5) to assist career and technical student organizations;

“(6) for mentoring and support services;

“(7) for leasing, purchasing, upgrading, or adapting instructional equipment, including support for library resources, such as business journals, publications, and other related resources designed to strengthen and support academic and technical skill achievement;

“(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

“(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

“(10) to develop initiatives that facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that inform the students of the opportunities for pursuing a baccalaureate degree and advise the students on how to meet any transfer requirements; and

“(D) other initiatives—

“(i) to encourage the pursuit of a baccalaureate degree; and

“(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(11) for improving or developing new career and technical education courses, including entrepreneurship and development of new career pathways;

“(12) to develop and support small, personalized career-themed learning communities;

“(13) to provide support for family and consumer sciences programs;

“(14) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

“(15) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(16) to support activities in nontraditional fields, such as mentoring and outreach; and

“(17) to support other career and technical education activities that are consistent with the purpose of this Act.”

#### SEC. 119. TECH-PREP EDUCATION.

(a) REDESIGNATION.—Title II (20 U.S.C. 2371 et seq.) is amended—

(1) by striking the title heading and inserting the following:

##### “PART D—TECH-PREP EDUCATION”;

(2) by striking sections 201, 202, 206, and 207; and

(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

(b) STATE ALLOTMENT AND APPLICATION.—Section 141 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking “section 206” and inserting “section 144”; and

(2) by striking subsection (c) and inserting the following:

“(C) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.”

(c) TECH-PREP EDUCATION.—Section 142 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “section 203” and inserting “section 141”; and

(ii) by striking “title” and inserting “part”;

(iii) by striking “vocational” both places the term appears and inserting “career”; and

(iv) in subparagraph (A), by inserting “, educational service agency,” after “intermediate educational agency”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “and”; and

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(C) employers, including small businesses, or business intermediaries; and

“(D) labor organizations.”;

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;”;

(B) in paragraph (3)(B), by inserting “including through the use of articulation agreements, and” after “career fields;”;

(C) by striking paragraph (4) and inserting the following:

“(4) include in-service professional development for teachers, faculty, principals, and administrators that—

“(A) supports effective implementation of tech-prep programs;

“(B) supports joint training in the tech-prep consortium;

“(C) supports the needs, expectations, and methods of business and all aspects of an industry;

“(D) supports the use of contextual and applied curricula, instruction, and assessment;

“(E) supports the use and application of technology; and

“(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;”;

(D) in paragraph (5)—

(i) by striking “training” and inserting “professional development”; and

(ii) in subparagraph (B), by inserting “, which may include through the use of graduation and career plans” after “programs”; and

(iii) in subparagraph (D), by striking “and”; and

(iv) in subparagraph (E), by inserting “and” after the semicolon; and

(v) by adding at the end the following:

“(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;”;

(E) in paragraph (6)—

(i) by inserting “(including pre-apprenticeship programs)” after “programs”; and

(ii) by striking “and” after the semicolon;

(F) in paragraph (7), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(8) coordinate with activities conducted under this title.”; and

(3) in subsection (d)—

(A) in paragraph (2), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

“(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.”

(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking “title” and inserting “part”; and

(2) in subsection (b)—

(A) by striking “5” and inserting “6”; and

(B) by striking “title” and inserting “part”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “or advanced” after “baccalaureate”; and

(B) by striking paragraph (4) and inserting the following:

“(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;”;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C.”; and

(4) in subsection (e), by striking “title” and inserting “part”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

(1) by striking “title (other than section 207)” and inserting “part”; and

(2) by striking “1999 and each of the 4” and inserting “2006 and each of the 5”.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. REDESIGNATION OF TITLE.

(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

## “TITLE II—GENERAL PROVISIONS”.

### SEC. 202. FISCAL REQUIREMENTS.

Section 211 (as redesignated by section 201 of this Act) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for activities authorized under title I unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equalled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

“(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

“(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per

student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available.”; and

(B) in paragraph (2), by striking “fiscal effort” both places the term appears and inserting “average fiscal effort”.

#### SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

Section 214 (as redesignated by section 201 of this Act) is amended by striking “vocational” both places the term appears and inserting “career”.

#### SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

Section 215 (as redesignated by section 201 of this Act) is amended by striking “vocational” and inserting “career”.

#### SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

Part A of title II (as redesignated by section 201 of this Act) is amended—

(1) by striking section 217;

(2) by redesignating section 218 as section 217; and

(3) in section 217 (as redesignated by paragraph (2) of this section)—

(A) by inserting “principals,” after “for vocational and technical education teachers,”;

(B) by inserting “principals,” after “of vocational and technical education teachers,”; and

(C) by striking “vocational” each place the term appears and inserting “career”.

#### SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

Section 225(c) (as redesignated by section 201 of this Act) is amended—

(1) in the subsection heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(2) by striking “vocational” both places the term appears and inserting “career”.

#### SEC. 207. TABLE OF CONTENTS.

Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

“(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Purpose.

“Sec. 3. Definitions.

“Sec. 4. Transition provisions.

“Sec. 5. Privacy.

“Sec. 6. Limitation.

“Sec. 7. Special rule.

“Sec. 8. Authorization of appropriations.

#### “TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

##### “PART A—ALLOTMENT AND ALLOCATION

“Sec. 111. Reservations and State allotment.

“Sec. 112. Within State allocation.

“Sec. 113. Accountability.

“Sec. 114. National activities.

“Sec. 115. Assistance for the outlying areas.

“Sec. 116. Native American program.

“Sec. 117. Tribally controlled postsecondary career and technical institutions.

“Sec. 118. Occupational and employment information.

##### “PART B—STATE PROVISIONS

“Sec. 121. State administration.

“Sec. 122. State plan.

“Sec. 123. Improvement plans.

“Sec. 124. State leadership activities.

##### “PART C—LOCAL PROVISIONS

“Sec. 131. Distribution of funds to secondary school programs.

“Sec. 132. Distribution of funds for postsecondary career and technical education programs.

“Sec. 133. Special rules for career and technical education.

“Sec. 134. Local plan for career and technical education programs.

“Sec. 135. Local uses of funds.

#### “PART D—TECH-PREP EDUCATION

“Sec. 141. State allotment and application.

“Sec. 142. Tech-prep education.

“Sec. 143. Consortium applications.

“Sec. 144. Authorization of appropriations.

#### “TITLE II—GENERAL PROVISIONS

##### “PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“Sec. 211. Fiscal requirements.

“Sec. 212. Authority to make payments.

“Sec. 213. Construction.

“Sec. 214. Voluntary selection and participation.

“Sec. 215. Limitation for certain students.

“Sec. 216. Federal laws guaranteeing civil rights.

“Sec. 217. Participation of private school personnel.

##### “PART B—STATE ADMINISTRATIVE PROVISIONS

“Sec. 221. Joint funding.

“Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.

“Sec. 223. State administrative costs.

“Sec. 224. Limitation on Federal regulations.

“Sec. 225. Student assistance and other Federal programs.”.

Mr. McKEON. Mr. Speaker, I ask unanimous consent to strike all after the enacting clause of S. 250 and insert in lieu thereof the text of H.R. 366 as passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: “To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.”

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES ON S. 250, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 250, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 250 to include in the conference substitute recommended by the committee of conference the following: In section 3(2) of the bill, after the phrase “high wage” insert “(in no case less than \$7.25 an hour)”.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gen-

tleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise as we consider going to conference with the Senate on the Vocational Education Improvement Act, something that I think we should do and which I support and have been working with my colleagues on the other side of the aisle in the House and in the Senate to bring that conference to a successful conclusion, but I also rise not just in support of going to conference but also in support of a motion where we will have the ability to stand up for the dignity of 6.5 million workers in the United States making the minimum wage or near minimum-wage pay.

This motion instructs the conferees to make it clear that when the bill states its purpose is to prepare students for highways jobs, that in no event should those jobs pay less than \$7.25 an hour. The minimum wage today is just \$5.15 an hour, and for nearly 10 years the Republican leadership has stood in the way of a raise for America's lowest wage workers. That is a shame, it is an insult, and it is a moral outrage. This is the year when Members of Congress from both parties should come together and show how serious they are about raising the minimum wage and that they are serious about valuing hard work.

Mr. Speaker, I want to remind my colleagues that the Fair Standards Labor Act, containing the minimum wage, was passed in 1938 to alleviate poverty. Yet now the minimum wage condemns workers to a life of poverty for themselves and for their children. That is what we do when we fail to raise the minimum wage. We put the Federal stamp of approval, the congressional stamp of approval, if you will, on the wages of those individuals, so that even though they go to work every day, every week, every month, and all year long, they will not be able to raise themselves out of poverty.

That is just unacceptable for this Nation, which is the beacon to the world about economic opportunity, which is the beacon to the world about understanding what it means to have every citizen participate in our society. If they work those 52 weeks a year, they will only earn \$10,700, which is \$5,000 per year below the poverty line for a family of three. The current minimum wage will not even support a single worker and a single child above poverty. Raising the minimum wage to \$7.25 an hour will mean an additional \$4,370 a year to help minimum-wage earners support their families.

I don't have to tell you, Mr. Speaker, because I know you support this act, but here are the facts. Here are the facts. Those workers today are stuck at 1997 wages. By Federal law, their

wage is \$5.15 an hour. That wage was secured by the Congress of the United States on a bipartisan vote to raise that wage to \$5.15. Since that time, the Republican Congress has refused to entertain an increase in that minimum wage.

Now, what do we have here? We have the fact that the price of milk since that time has gone up 24 percent, bread is up 25 percent, college is up 77 percent, health insurance is up 97 percent, and regular gasoline is up 136 percent. The fact of the matter is that this minimum-wage worker, after 1 hour's work, cannot stop alongside a gas station and get a gallon of gas and a gallon of milk at the same time. Their wages simply will not support that.

That is the problem that we have, is that we have people stuck at a federally mandated minimum wage from the year 1997. None of us are in 1997 today. This is 2006. And the fact of the matter is that these people who have made a conscious decision to go to work every day are so badly disadvantaged that they cannot raise themselves above the poverty line.

Now, I know that this Republican conference is led by Mr. BOEHNER, a very good friend of mine, and he is proud of this statement: "I have been in this business for 25 years, and I have never voted for an increase in the minimum wage. I am opposed to it, and I think a vast majority of our conference is opposed to it." Well, that may be true, but I do not believe that a vast majority of this Congress is opposed to it. And what we have been asking is to have a vote on the floor on the minimum wage.

If this Congress continues to listen to Leader BOEHNER, and the fact is he has always been opposed to it, so if they had listened to him workers would be back to wages set in 1973. They would be working for \$3.35 an hour as the minimum wage and paying 2006 prices for bread and for milk and for gasoline and for health coverage and all the rest of that. That is why this is imperative.

This is not a simple economic decision. This is a decision of values. This is a decision about our country and about these people, about 6 million people, many of whom are supporting children, many who are making major contributions to the total income of their families. This is about whether or not we value their work and we value them as full participants in American society.

This is also about understanding that you cannot build a strong and rich country on the backs of poor people. It simply will not work. Around the country we see where democracy flags and lags because of the fact there is such a disparity in those countries between rich and poor. We know. We have charted it. And when you get to the levels of disparity that America is starting to approach now between rich and poor, basic fundamental democracy is threatened. That doesn't mean it will disappear in America, but we have

to understand what it does to the institutions of freedom and liberty and democracy when people aren't full participants in our society.

Again, these people have made the decision that they are going to go to work every day and they are going to try their darnedest to support their families, to support their children and to meet their needs. It has been said for a long time by business that if you do this, you will kill jobs; that you will hurt the people you are trying to support. Well, let us again remember what we are doing here. We are trying to bring a wage that is stuck in 1997 forward to 2006, and we are going to do it over a 2-year period.

It has gotten to such a point that the business community is starting to be divided on this. Here you have the largest employer, I believe in the United States, Wal-Mart, and not a company that I am used to quoting, but Wal-Mart has said that America needs a raise in the minimum wage for these people who are earning too little; so little that even shopping at Wal-Mart, at every day low prices as they advertise, these people cannot purchase the basic necessities for their families. They are unable to do that. That is the kind of economic situation these people find themselves in.

Again, they do not find themselves in that situation because they are working at a minimum wage that was increased in the year 2000 or 2003, 2004, or 2005, and now we want to update it to 2006 and 2007. This is a minimum wage which these people are earning which was set in 1997.

So that is the reason that I make this motion to instruct the conferees, because vocational education is becoming an ever more important part of a pathway for students to career opportunities, to increased earnings opportunities, and in the Senate bill we can make sure that the purpose of this bill is to achieve high wages. In the House bill we have no such language, and I am asking that we instruct that there be language that what we mean is that in no event should this lead to wages that are less than \$7.25 an hour, which would be the case if the bill that was voted on in the Health and Human Services Appropriation Act, offered by Mr. HOYER and Mr. OBEY, if that became law, because then in two jumps we would get to \$7.25.

Mr. Speaker, I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

I guess it is no secret we are in an election year. As we just saw in the debate just before this debate, a lot of talk about the minimum wage. The motion before the House today is nothing but a political ploy. Nothing in the Vocational Education bill before us has anything to do with the minimum wage, nor has there been any discussion of the minimum wage among the conferees, because this is neither the time nor the place to consider an increase.

Let me just talk a little about what we have done.

□ 1200

A little over a year ago, the House passed the vocational education reauthorization bill, a bill that has been a law for 30 or 40 years. And the process is that a bill is introduced, it is brought before the subcommittee, the full committee, and finally passed by the House. The Senate passed a similar bill. We have been meeting with the Senate for almost a year trying to work out, resolve the differences between the bills so we can get a bill finally passed and to the President's desk.

Today, we are naming conferees so we can get this bill finalized and finished up. And about 15 minutes ago the Democrats gave us this motion to instruct conferees that says: "In section 3(2) of the bill, after the phrase 'high wage' insert '(in no case less than \$7.25 an hour)'."

Let me read what we have agreed on. "Building on the efforts of the States and localities to develop challenging academic and technical standards, and to assist students in meeting such standards, including preparation for high-skill, high-wage or high-demand occupations in current or emerging professions."

Now that is a good thing that we should be working on. That is what we should be trying to do, educate our young people and prepare them for high-skill, high-wage and high-demand occupations.

If we took this motion to instruct that they are giving us, we would change that to say, in meeting such standards, "including preparation for high-skill, high-wage, \$7.25-an-hour, or high-demand occupations in current or emerging professions."

So it sounds like they are talking about minimum wage, but what they are doing is defining a high wage as \$7.25 an hour. I have a little disagreement with that. I don't think that \$7.25 an hour is a high wage, but that is what they are wanting us to do.

The Democratic leadership is trying to play politics with what, to this point, has been a bipartisan effort to craft a strong bill that benefits millions of Americans. The vocational education reforms that we include in our bill will help students and workers build their academic and technical skills and equip them with the knowledge to proceed with postsecondary education or pursue other opportunities that will pay them much more than \$7.25 an hour.

I am disappointed that my colleagues on the other side of the aisle would, at the 11th hour, actually 11th hour and 45 minutes, or 11th hour and 55 minutes, just before we walk onto the floor, give us something that changes the definition of high wage to \$7.25 an hour and ends up tainting good work with bad politics.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 1 minute.

I would just say, only my Republican colleagues would think that \$7.25 an hour is a high wage for working people. In fact, in the motion to instruct he knows it is "not less than \$7.25 an hour."

My colleague has also said that this is neither the time nor the place. We haven't been able to find out since 1997 where is the time and where is the place to raise the minimum wage for 6 million American workers. That is what the American public wants to know, that is what the American public supports our doing, but we have been unable to find out from the Republican leadership. All we get from the Republican leadership is "no."

When it passed in the Appropriations Committee, the bill has not come to the floor because it has the minimum wage in it. Then when those same people had to vote in another Appropriations Committee, the Republican leadership got them to change their votes against the minimum wage.

Our committee has had no hearings and they are not reporting the bill. Where is the time and where is the place? Where do these 6 million poor workers, where do they go to make their case to this Republican Congress? Where is that time and where is that place?

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from California for yielding me time, but even more for bringing this issue to the floor.

Yes, where is the time and place?

Since 1997, the minimum wage has been frozen and millions of people have been stranded. I don't know of a better word to use. During that time we have seen congressional pay increase by several times the total amount that a minimum-wage earner would earn in a year. We have seen CEO compensation raised many times what a minimum-wage earner would earn in a year. I mean, the increase is that much.

Mr. MILLER talked about the 6 million people who are stranded. It is more like 15 if you consider all of the people who are indirectly affected by this also. The chairman said that there has been no discussion of minimum wages, and so why should we bring it up with this bill at this time. That is right, there has been no discussion. We are trying to find a place to have that discussion.

Indeed, \$7.25 is not a high wage. In fact, if the minimum wage were to be paid at the purchasing power that it used to have, it would be \$9.05, still not a high wage, but considerably better than the minimum wage of \$5.15.

The chairman says this is a political ploy. Try to tell that to someone who is trying to buy gas, to buy food. You know, since the minimum wage was pegged, the price of bread has gone up, oh, at least 25 percent. The price of

milk, at least 25 percent, the price of gas a couple hundred percent. The price of health care 100 percent, but I am not sure why we are discussing health care because no one on minimum wage can afford it.

This is not a political ploy; this is about the ability of people to make ends meet and to feed their families. Yes, we are talking about families. The other side often says minimum wage, that only applies to kids on summer jobs. Try to tell that to the millions of people who are trying to feed families, children, pay for rent and buy gas to get to work.

I ask the majority party, who has not found a time or place to discuss the minimum wage: Have they no imagination? We are supposed to be Representatives here. One of our challenges is to put ourselves in the shoes of the hundreds of thousands of people whom we represent. Have they no imagination? It shouldn't take much imagination to figure out how difficult it is to get by on today's minimum wage. Do they think that we don't have time to discuss it here on the floor? Of course, we do.

They will say it is going to kill jobs. There is no evidence of that. In fact, the best evidence we can find, and this goes back to the days when Henry Ford increased the wages for his workers, the best evidence we can find is that increasing the salaries of hourly workers helps the economy. In States that have higher minimum wages, they have better job creation.

So don't give us that, that this is going to hurt the economy. No, what it is going to hurt if we don't raise the minimum wage is 15 million people.

We have the opportunity with this motion to instruct because the Vocational Improvement Act has the purpose of creating high-skill, high-wage jobs. All we are saying is that there ought to be a floor. If you are going to talk about wages, there ought to be a floor. For more than half a century, for three-quarters of a century almost now, it has been deemed appropriate for the Federal Government to set that floor. That is what we are asking to do now, to set it at least at a barely humane level rather than the inhumane level at which the minimum wage now stands.

I urge support of the Miller motion to instruct.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment the gentleman on his eloquent speech on the minimum wage. However, this bill before us is not a minimum-wage bill.

As I said earlier, what it does is change high-skill, high-wage to \$7.25 an hour. That is what I read from their motion to instruct.

One of the things I would like to say is that I appreciate Mr. CASTLE, chairman of the Subcommittee on Education Reform, for his leadership in producing a good House bill in support of educators and supported by nearly every Member of this Chamber.

I would also like to thank the committee and the subcommittee ranking members, Mr. MILLER and Ms. WOOLSEY, for working with us in a bipartisan manner both on the House bill and in our preliminary discussions with the Senate to get us to this point. Their willingness to work with us toward our mutual goal of improving and modernizing our career and technical education programs has allowed us to get to this point today.

I am confident that our negotiations with the Senate will produce a measure that will be widely supported by Members of the House on both sides of the aisle. I would like to see us move forward quickly to get to conference to finalize this bill so we can have a vote on it before we adjourn for the summer recess.

Again, I thank all those who have worked so hard to bring us here today, and reemphasize again, aside from all of the rhetoric about the minimum wage, this is not a vote on the minimum wage bill, it is a vote on reauthorizing the Vocational Education Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman and I thank Mr. MILLER for his motion to instruct.

With all due respect to the chairman, the Miller motion to instruct establishes in the language that in no case shall the wage be less than \$7.25 an hour. It is not a cap. It actually establishes a floor, not a ceiling.

We all understand that for many people even \$7.25 may not be enough, but the Miller amendment creates some progress in an area where the American people haven't seen much progress. Think about it. Do you know, if the minimum wage had kept pace with increases in corporate executive compensation over the last dozen years, do you know what the minimum wage would be today? It would be over \$16. That is how far and fast the top executive salaries have gone up.

But those people who provide the service for those executives and for all of us, those people who work in restaurants, who work in hotels, those people who are humble working people, \$5.15 an hour, and it has been frozen there while the cost of everything keeps going up.

My constituents talked to me over the July 4 break about the high cost of gasoline. If you are making \$5.15 an hour and gasoline goes up to \$3 or more a gallon, what does that do to your family budget? We have some practical considerations we need to look at here and we are not looking at them.

That is why I am rising in support of the Miller motion to instruct conferees, because vocational education and training are vital parts of workforce development in America, and they help to provide the highly trained, skilled workers that our Nation needs.

But you can get training and you can get education, but that doesn't assure

you of a decent wage. That is because full-time, year-round, minimum-wage earnings of \$5.15 an hour leaves a family of three 31 percent below the poverty line.

We are all told in this country that if you work hard, you will get ahead; if you get a good education, you will get a decent job. What is happening in America, people are working hard and they are not getting ahead. They are getting an education and they are not getting a decent job, they are not getting decent pay. Seven million Americans have been frozen at this \$5.15 minimum wage.

How do people survive? How do they feed their families? How do they have health care? How do they pay the rent and the mortgage on \$5.15 an hour?

There is a moral dimension to this as well. How can we, in a country which has such enormous wealth, turn our backs on our brothers and sisters who are frozen at \$5.15 an hour and say, No, no, you can't have more money to feed your family. No, you can't have more money to pay the rent. No, you can't have more money to pay for gasoline. No, you can't have more money because if we give you more money, the whole economy is going to be in trouble. Come on, we all know that is not true.

We all know that America has the capacity to create even more wealth, but there is a maldistribution of the wealth, and the proof of the fundamental maldistribution of the wealth is the fact that we are not able to raise this minimum wage to a level that presents a living wage.

It is estimated that over 7 million workers would receive an increase in their hourly wage if the minimum wage were raised to just \$7.25 an hour as Mr. MILLER's legislation, the Fair Minimum Wage Act, proposes. An additional 8.2 million workers earning up to a dollar above the new minimum wage would also benefit.

This country has always been about our aspirations to lift everyone up. When we stop doing that, we become less than America. When we forget those who have less, what does it matter who we are? The Scriptures command us, Whatever you do for these, the least of our brethren, you do for the Lord.

Whose work are we doing here? Are we doing the Lord's work when we turn around and cast out those who are the humble workers in our society? No, we are not.

It is time to remember where we came from as a Nation. It is time to remember our higher aspirations. Vote for the Miller amendment.

□ 1215

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to congratulate my good friend from Ohio for his very eloquent speech on the minimum wage.

Let me again remind those who are watching what we are debating today,

and that is the reauthorization of the Vocational Education Act, their motion to instruct changes the language about building on the efforts of the States and localities to developing challenging academic and technical standards to assist students in meeting such standards, including preparation for high-scale, high-wage, or high-demand occupations. And they are saying after "high wage" insert the language "in no case less than \$7.25 an hour."

And again, I think that when we are saying high-wage, high-demand jobs we are looking at a lot more than \$7.25 an hour.

I came from a business background when I came here, and we were in the retail business and we hired a lot of people, and in most cases they would start out at the minimum wage and after a short period of training they moved up quickly to high paying jobs.

Minimum wage is not a cap. It is an entry level job. And again, though, we are not here to debate that. We are here to talk about the vocational education bill, and we want to go to conference so we can get this bill finished up with the Senate, get it to the President and move on.

This bill enhances the Perkins program by ensuring both secondary and post-secondary students participating in the program will acquire rigorous academic technical skills and have the opportunity to transition into further education and/or successful employment.

I meet with lots of people having to do with education around the country. I met with the head of the Association of Truck Drivers school. He says, we could provide 40,000 truck drivers a year if we could get the people. There is lots of demand for high paying jobs, and we can't get people trained.

We need to get this bill passed and get it so that the President can sign it into law and move forward.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentleman for joining us in the debate on the minimum wage. And with that I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Speaker, first I want to thank Representative MILLER for offering this motion and for his continued leadership in fighting for America's workers.

Thirty-eight years ago I was a single, working mother with three small children. In fact, my children were 1, 3 and 5 years old at the time. Receiving no child support, earning just above the minimum wage, even though I was working, I was earning so little that my family was forced to go on Aid for Dependent Children, welfare, to provide for the child care, the health care and the food that we needed to make ends meet. Even though I had a good education and I had good job skills, I still wasn't earning enough from my job to

fully support my children. And believe me, I worked hard and I worked full time.

My personal story bears repeating because too many families today are in the exact same predicament I was in 38 years ago. So this Congress, if it wants to, can do something to seriously address poverty in this country. And we can do it by increasing the minimum wage, paying working parents enough to support their families and enough to take care of their kids. But increasing the minimum wage is absolutely, absolutely necessary in getting that going.

The Bush administration continues to repeat that profits are up. They may be up, but working Americans aren't experiencing this benefit. They don't see it in their daily lives because their wages are stagnant. In fact, the Federal minimum wage has not been increased since 1997.

You know, a rising tide should lift all boats, not just the yachts. Mr. Speaker, it is time for American workers to share in the fruits of their labor, and it is time to raise the minimum wage.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank the gentlewoman for her great talk on minimum wage, and remind people that that is not what we are talking about today. We are working on going to conference on passing the vocational education bill.

The emphasis on academics in this bill will be assessed through an alignment with No Child Left Behind and through enhanced accountability, which strengthens the bill, which makes it better for us to be able to help people train for good, high paying jobs. The House-passed bill strengthens accountability by requiring that locals establish adjusted levels of performance to complement the State-adjusted levels of performance already in current law. In turn, the State agency will evaluate annually whether the local recipient is making substantial progress toward achieving these goals. This, along with many other things, strengthens the Vocational Education Act and helps us to train young people for good, high paying, high wage jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to call for a vote on raising the minimum wages. I thank Mr. MILLER for being an advocate on behalf of the poor, disadvantaged and trying to equate equality and job opportunities and wages.

I just heard from the leader on the other side talk about leave no child behind. But we want to make sure that no child is left behind, and that every child has an opportunity to progress and advance, and that means employment and an opportunity. When you



leave a child behind, that means that you have not given them the appropriate wages to go to school, to obtain wages to pay for the schools.

Right now we see in America today the cost of health has increased. Energy, college are rising. People can't even afford to buy homes. We have two or three or four or five different families that are working. We have individuals that have two or three different kinds of jobs. Why? Because the minimum wages have not increased.

It is time that we look at working families and provide them with that opportunity. Across America we need this minimum-wage increase. Don't complain about immigration and then refuse to pay the American families a living wage. The minimum wage is not only for teenagers in summer jobs or working families. It is for all Americans. Adults over the age of 20 make up the largest share of workers who would benefit from minimum wages increase, and many parents are with children under the age of 18. We are talking about under 18. Forty percent of minimum-wage workers are the sole breadwinners in their families. Too many working families in my district have had to turn to minimum-wage jobs after Norton was closed and Kaiser closed. And we don't have major industries such as some of our cities in the urban communities like us. We depend on those jobs that give them those kind, whether it is a McDonald's, whether it is a commercial store, whether it is an industrial store. It is important that they have those minimum wages increased because they also need to put food on the table.

In this country, in the United States, many people are starving right here. Yes, they are literally starving. They can't put food on the table. They can't afford to pay for their gas prices that continues to go up. You fill a tank of gas and it costs you anywhere between 50 to 60 to \$75. We need to increase the minimum wages so therefore they can afford to buy gas, go to work and have something to provide for their families.

I ask that we support the minimum wage. It is time that we deal with the American people here in the United States and we take care of them. We owe it to them.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to my good friend from New York (Mr. BOEHLERT), chairman of the Science Committee.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I am watching with a great deal of interest this debate, and I notice the previous gentleman in the well was talking about the need to increase the minimum wage.

Guess what? He is exactly right. And I refuse to cede the issue to one side or the other. There are a lot of us who have looked at that and realized that we haven't had an increase in the minimum wage in 9 years.

Consider the purchasing power of the minimum wage. It is inadequate. We ought to increase the minimum wage. And I am proud to say that I have sponsored a bill that has been in the hopper for 2 years now to increase the minimum wage. It would go up to \$7.15 an hour in January of 2007. We should do it. That is not a one-party or another party's issue. It is an issue that makes sense for all thinking Americans.

But I don't think this is the correct vehicle, the right bill to address that subject. I can just tell you, in my capacity as a chairman of a committee I meet on a weekly basis with the other committee chairmen and our majority leader, and I make it clear in no uncertain terms my very strong feeling. And it is not just me, or it is not just one Republican. There are a lot of us who are strongly in favor of increasing the minimum wage. And that is very much on the table, as it should be. It is the right thing to do for the right reasons. But this is the wrong vehicle to carry forward that battle.

And Mr. MILLER, for whom I have a high regard and I have worked with on a number of occasions over the years, sometimes to his detriment and mine, but this is the sort of comity that should be more prevalent in this institution. We are in general agreement on what we should do with the minimum wage. So let's get on with the debate on this very important legislation brought by a committee after thorough deliberation, dealing with a very important subject. Let's deal with this subject here and now, and let's reserve our effort on the minimum wage. And I am redoubling mine, and I am sure Mr. MILLER and his associates are redoubling theirs. We need it. We need it this year to be effective come January 1 of 2007.

Mr. GEORGE MILLER of California. Mr. Speaker, I have the right to close. I have no further speakers.

Mr. McKEON. Mr. Speaker, I thank the gentleman for his comments. And as you can see, there are supporters for minimum wage on both sides of the aisle. But that is not what we are talking about today. We are not talking about minimum wage. What the other side is asking that we do is put in a rate, \$7.25 an hour, in a Federal bill. We don't usually set wages in a Federal bill. What we do try to do in this bill is encourage the training, vocational educational training for young people so that they can qualify for good, high paying jobs and move on to a successful career.

One of the unique attributes of vocational and technical education programs is their ability to show students a path that could end in a certificate, a credential, employment, military service or post-secondary education. It opens up lots of opportunities.

The House-passed bill requires States to establish model sequences of courses to emphasize further student academic career and technical achievement.

These sequences of courses will incorporate a progression of both secondary and post-secondary elements, which would include academic, career and technical content. Local recipients of both the secondary and post-secondary level would adopt at least one model sequence of courses as developed by the State. I believe this will help drive program improvements by ensuring that States clarify the progression of academic, vocational and technical courses needed for post-secondary education and the training or employment of a student's choice.

The House version of S. 250 builds upon reforms made in past reauthorizations and seeks to enhance this popular program to ensure its success in years to come. As a result of changes in the House bill, S. 250 would help States, community colleges and other post-secondary education institutions and local school districts better meet the needs of the students participating in career and technical education.

I look forward to working with Members of both sides of the aisle in both Chambers to complete work on this critical legislation.

I just want to further emphasize so that everybody listening to this debate understands that this is not a vote on the minimum wage. This is a vote on going to conference on vocational education so that we can get this bill to the President's desk and take care of a lot of work that has been done to this point to make a good bill better.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, and Members of the House, we are down to a very critical point. We are down to a point whether or not this Chamber, the House of Representatives, the People's House as it is known, whether or not we will represent the people or whether we will represent narrow special interests that have a huge economic interest in keeping the minimum wage at the 1997 level of \$5.15 an hour.

□ 1230

That is a decision that we have to make.

We have been trying now for a number of years to force a vote on the minimum wage. I find it rather interesting that the Republicans, who control the Senate, control the House, control the White House, cannot find the time and the place, although apparently they are now sort of for it, to find the time and the place where we could have a vote on the minimum wage.

What is wrong with your leadership? Name the time, name the place. We will be there with our votes. And if your leadership will not cooperate, come on down and sign a discharge petition. Mr. BOEHLERT and others who are supporting the minimum wage, come on down and sign a discharge petition, and then we will be assured that the American people will get the vote that they strongly desire to have.



Over 80 percent of the American people believe that raising the minimum wage from the 1997 wage level of \$5.15 to, today, of \$7.25 an hour is, in fact, the right thing to do, the fair thing to do, and the moral thing to do. The only thing that prevents that from happening is the Republican leadership in the House of Representatives.

Even the Senate allowed a vote to take place, but only in the Senate can you pass something by a majority vote. It got 52 votes, a bipartisan vote, and it still does not pass because they say you have got to get 60 votes. But in the House you cannot even get that vote. You cannot even get that vote.

We had a vote in the Appropriations Committee on a bipartisan basis. The members of that committee voted to increase the minimum wage. Under the leadership of Mr. HOYER and Mr. OBEY, they voted to increase the minimum wage. Since that has happened, that bill has been prevented from coming to the floor of the House of Representatives where we could vote, up or down, on increasing the minimum wage. So, apparently, this time and place that the Republicans say they are prepared to go is a mystery to everyone.

Maybe we could have a national contest like they are doing for the Johnny Depp's pirates movie. We could bury the time and the place somewhere in the United States, and we could let people decide and play a game and try to figure out where it is. Where is that time and place? Is it in the gentleman's district in California? Is it in my district?

We all know where that time and place is. The time is now and the place is the House of Representatives on the floor of the Congress of the United States. That is where we are supposed to be doing the people's business.

There is nothing else in this country that is at 1997 levels, not gasoline, not bread, not milk. Do you know what else is not at 1997 levels, where the Congress found the time and the place?

Do you want to know what else is not at 1997 levels? Congressional pay. Because we found six times and six places to give ourselves the cost-of-living increase while we insisted that the lowest paid people in this country could not have more than \$5.15 an hour, the same wage they were making in 1997. Apparently, it wasn't good enough for Congress, so we increased our COLA.

I agree with that increase, but think about the message and the morality that you are reflecting when you cannot reach back, after we receive these COLAs, and say to these people who are struggling to support their families, Here, let us give you a hand, let us help you; you have made that decision to participate in the American economic system by going to work every day. But somehow this Congress just does not value their work.

We give tax breaks to CEOs. A guy at Exxon walks out after several years with \$400 million in guaranteed pension benefits, \$400 million. He made more

money brushing his teeth than people make on the minimum wage all year long.

What is the justice of this? What is the equity of this? What is the fairness of this? It cannot be what America is about, about the intentional decision by the Republican leadership that 6 million American people will simply be poor, and they will be relegated to the class of poverty and they will be there by edict of the Federal law. The Federal law will keep them in poverty.

We ought to also tell the taxpayers that when you make that decision, you are also making the taxpayers of this country part of their employment because when they work at those poverty wages, the taxpayers pay for the school lunches and they pay for the housing and they pay for the healthcare and they pay for the utility bills when it is cold and when it is hot. We end up subsidizing those employers who insist that they cannot make a profit unless they pay 1997 wages.

Let me tell you something about those employers. They are not long for this world because there is something very wrong with their business plan that they can only succeed if they pay 1997 wages. Think about that. Think about what you are embracing. You are embracing an economic model that says that success is dependent upon being able to pay forever 1997 wages to my employees. Have we lost our minds here? Do we understand the injustice of this?

Again, these are people working 40 hours a week every day. They drive mostly old cars that consume more gas that costs them more to commute to that job. They still do it.

America has already said it. It is just the Congress, just the Republican leadership. America says, give these people a raise. They know that struggle. They know that struggle. They know it themselves. Middle-class people know what it means to drive up to a station today and say, Fill it up. Most people do not say, Fill it up. They say, How much do I need to get to Friday? That is what they say to themselves.

Well, think about what poor people are thinking.

We value work. We changed the welfare laws to encourage people to go to work. Should we not encourage them to get out of poverty? Should we not help them to get out of poverty instead of sticking them at 1997 levels?

This is fundamental. This vote is fundamental. This debate is fundamental. And the time and the place to have it is now in the halls of the Congress of the United States. We cannot continue to have a Republican leadership that says, this is not right, that is not right, this is not the bill, this is not the subject matter.

Just bring us a bill. Let us vote up or down. You have the majority. You control it. Either you believe in the dignity of these people, in the dignity of their children, in the dignity of their work, or you don't, because you cannot

have that and then insist upon these wages.

I ask for an "aye" vote on the motion to instruct.

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 906, by the yeas and nays; adopting H. Res. 906, if ordered; instructing conferees on S. 250, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 906, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 12, as follows:

[Roll No. 364]

YEAS—223

Aderholt	Boehlert	Camp (MI)
Akin	Boehner	Campbell (CA)
Alexander	Bonilla	Cannon
Bachus	Bonner	Cantor
Baker	Bono	Capito
Barrett (SC)	Boozman	Carter
Bartlett (MD)	Boustany	Castle
Barton (TX)	Bradley (NH)	Chabot
Bass	Brady (TX)	Chocola
Beauprez	Brown (SC)	Coble
Biggart	Brown-Waite,	Cole (OK)
Billray	Ginny	Conaway
Bilirakis	Burgess	Crenshaw
Bishop (UT)	Burton (IN)	Cubin
Blackburn	Buyer	Culberson
Blunt	Calvert	Davis (KY)

Davis, Tom	Johnson (IL)	Pombo	McCollum (MN)	Pastor	Smith (WA)	Deal (GA)	Kelly	Price (GA)
Deal (GA)	Johnson, Sam	Porter	McDermott	Pelosi	Snyder	DeLauro	Kennedy (MN)	Pryce (OH)
Dent	Jones (NC)	Price (GA)	McGovern	Peterson (MN)	Solis	Dent	King (NY)	Putnam
Diaz-Balart, L.	Keller	Pryce (OH)	McIntyre	Pomeroy	Spratt	Diaz-Balart, L.	Kingston	Radanovich
Diaz-Balart, M.	Kelly	Putnam	McKinney	Price (NC)	Stark	Diaz-Balart, M.	Kirk	Ramstad
Doolittle	Kennedy (MN)	Radanovich	Meehan	Rahall	Strickland	Dicks	Kline	Regula
Drake	King (IA)	Ramstad	Meek (FL)	Rangel	Stupak	Doolittle	Knollenberg	Rehberg
Dreier	King (NY)	Regula	Meeks (NY)	Reyes	Tanner	Drake	Kolbe	Reichert
Duncan	Kingston	Rehberg	Melancon	Ross	Tauscher	Dreier	Kuhl (NY)	Renzi
Ehlers	Kirk	Reichert	Michaud	Rothman	Taylor (MS)	Duncan	LaHood	Reynolds
Emerson	Kline	Renzi	Millender-	Roybal-Allard	Thompson (CA)	Ehlers	Lantos	Rogers (AL)
English (PA)	Knollenberg	Reynolds	McDonald	Ruppersberger	Thompson (MS)	Emanuel	Larson (CT)	Rogers (KY)
Everett	Kolbe	Rogers (AL)	Miller (NC)	Rush	Tierney	Emerson	Latham	Rogers (MI)
Feeney	Kuhl (NY)	Rogers (KY)	Miller, George	Ryan (OH)	Towns	Engel	LaTourette	Rohrabacher
Ferguson	LaHood	Rogers (MI)	Mollohan	Sabo	Udall (CO)	English (PA)	Leach	Ross
Fitzpatrick (PA)	Latham	Rohrabacher	Moore (KS)	Salazar	Udall (NM)	Eshoo	Levin	Roybal-Allard
Flake	LaTourette	Royce	Moore (WI)	Salazar, Linda	Van Hollen	Everett	Lewis (CA)	Royce
Foley	Leach	Ryan (WI)	Moran (VA)	T.	Velázquez	Feeney	Lewis (KY)	Ruppersberger
Forbes	Lewis (CA)	Ryun (KS)	Murtha	Sanchez, Loretta	Visclosky	Ferguson	Linder	Ryan (WI)
Fortenberry	Lewis (KY)	Saxton	Nadler	Sanders	Wasserman	Fitzpatrick (PA)	LoBiondo	Ryun (KS)
Fossella	Linder	Schmidt	Napolitano	Schakowsky	Schultz	Flake	Lowe	Salazar
Fox	LoBiondo	Schwarz (MI)	Neal (MA)	Schiff	Waters	Foley	Lucas	Sanchez, Linda
Franks (AZ)	Lucas	Sensenbrenner	Oberstar	Schwartz (PA)	Watt	Forbes	Lungren, Daniel	T.
Frelinghuysen	Lungren, Daniel	Shadegg	Obey	Scott (GA)	Waxman	Fortenberry	E.	Sanchez, Loretta
Gallegly	E.	Shaw	Oliver	Scott (VA)	Weiner	Fossella	Lynch	Saxton
Garrett (NJ)	Mack	Sherwood	Ortiz	Serrano	Wexler	Fox	Mack	Schiff
Gerlach	Manzullo	Shimkus	Owens	Shays	Woolsey	Franks (AZ)	Maloney	Schmidt
Gibbons	Marchant	Shuster	Pallone	Sherman	Wu	Frelinghuysen	Manzullo	Schwartz (PA)
Gilchrest	McCaul (TX)	Simmons	Pascrell	Skelton	Wynn	Gallegly	Marchant	Schwartz (MI)
Gillmor	McCotter	Simpson				Garrett (NJ)	Marshall	Sensenbrenner
Gingrey	McCrery	Smith (NJ)				Gerlach	Matheson	Shaw
Gohmert	McHenry	Smith (TX)				Gibbons	Matsui	Shays
Goode	McHugh	Sodrel	Davis, Jo Ann	Northup	Sessions	Gilchrest	McCarthy	Sherman
Goodlatte	McKeon	Souder	Evans	Payne	Slaughter	Gillmor	McCaul (TX)	Sherwood
Granger	McMorris	Stearns	Hinojosa	Poe	Tiaht	Gingrey	McCotter	Shimkus
Graves	Mica	Sullivan	McNulty	Ros-Lehtinen	Watson	Gohmert	McCrery	Shuster
Green (WI)	Miller (FL)	Sweeney				Gonzalez	McGovern	Simmons
Gutknecht	Miller (MI)	Tancredo				Goode	McHenry	Simpson
Hall	Miller, Gary	Taylor (NC)				Goodlatte	McHugh	Skelton
Harris	Moran (KS)	Terry				Gordon	McIntyre	Smith (NJ)
Hart	Murphy	Thomas				Granger	McKeon	Smith (TX)
Hastings (WA)	Musgrave	Thornberry				Graves	McMorris	Smith (WA)
Hayes	Myrick	Tiberi				Green (WI)	Mica	Snyder
Hayworth	Neugebauer	Turner				Gutknecht	Millender-	Sodrel
Hefley	Ney	Upton				Hall	McDonald	Souder
Hensarling	Norwood	Walden (OR)				Harman	Miller (FL)	Spratt
Herger	Nunes	Walsh				Harris	Miller (MI)	Sullivan
Hobson	Nussle	Wamp				Hart	Miller, Gary	Sweeney
Hoekstra	Osborne	Weldon (FL)				Hastings (WA)	Mollohan	Tancredo
Hostettler	Otter	Weldon (PA)				Hayes	Moore (KS)	Tanner
Hulshof	Oxley	Weller				Hayworth	Moran (KS)	Tauscher
Hunter	Paul	Westmoreland				Hefley	Murphy	Taylor (NC)
Hyde	Pearce	Whitfield				Hensarling	Murtha	Terry
Inglis (SC)	Pence	Wicker				Herger	Musgrave	Thomas
Issa	Peterson (PA)	Wilson (NM)				Higgins	Myrick	Thornberry
Istook	Petri	Wilson (SC)				Hobson	Napolitano	Tiberi
Jenkins	Pickering	Wolf				Hoekstra	Neal (MA)	Turner
Jindal	Pitts	Young (AK)				Holden	Neugebauer	Udall (NM)
Johnson (CT)	Platts	Young (FL)				Holt	Ney	Upton
						Honda	Norwood	Van Hollen
						Hooley	Nunes	Walden (OR)
						Hostettler	Nussle	Walsh
						Hulshof	Obey	Wamp
						Hunter	Osborne	Wasserman
						Hyde	Otter	Schultz
						Inglis (SC)	Oxley	Weldon (FL)
						Inslie	Paul	Weldon (PA)
						Issa	Pearce	Weller
						Istook	Pelosi	Westmoreland
						Jackson-Lee	Pence	Wexler
						(TX)	Peterson (MN)	Whitfield
						Jenkins	Peterson (PA)	Wicker
						Jindal	Petri	Wilson (NM)
						Johnson (CT)	Pickering	Wilson (SC)
						Johnson (IL)	Pitts	Wolf
						Johnson, E. B.	Platts	Wynn
						Johnson, Sam	Poe	Young (AK)
						Jones (NC)	Pommo	Young (FL)
						Kanjorski	Pomeroy	
						Keller	Porter	

## NAYS—197

Abercrombie	Costello	Hinchey
Ackerman	Cramer	Holden
Allen	Crowley	Holt
Andrews	Cuellar	Honda
Baca	Cummings	Hooley
Baird	Davis (AL)	Hoyer
Baldwin	Davis (CA)	Inslee
Barrow	Davis (FL)	Israel
Bean	Davis (IL)	Jackson (IL)
Becerra	Davis (TN)	Jackson-Lee
Berkley	DeFazio	(TX)
Berman	DeGette	Jefferson
Berry	Delahunt	Johnson, E. B.
Bishop (GA)	DeLauro	Jones (OH)
Bishop (NY)	Dicks	Kanjorski
Blumenauer	Dingell	Kaptur
Boren	Doggett	Kennedy (RI)
Boswell	Doyle	Kildee
Boucher	Edwards	Kilpatrick (MI)
Boyd	Emanuel	Kind
Brady (PA)	Engel	Kucinich
Brown (OH)	Eshoo	Langevin
Brown, Corrine	Etheridge	Lantos
Butterfield	Farr	Larsen (WA)
Capps	Fattah	Larson (CT)
Capuano	Filner	Lee
Cardin	Ford	Levin
Cardoza	Frank (MA)	Lewis (GA)
Carnahan	Gonzalez	Lipinski
Carson	Gordon	Lofgren, Zoe
Case	Green, Al	Lowe
Chandler	Green, Gene	Lynch
Clay	Grijalva	Maloney
Cleaver	Markey	Markley
Clyburn	Harman	Marshall
Conyers	Hastings (FL)	Matheson
Cooper	Herseth	Matsui
Costa	Higgins	McCarthy

## NOT VOTING—12

Davis, Jo Ann	Northup	Sessions
Evans	Payne	Slaughter
Hinojosa	Poe	Tiaht
McNulty	Ros-Lehtinen	Watson

□ 1304

Ms. BERKLEY changed her vote from “yea” to “nay.”

Mr. BLUNT and Mr. LEWIS of California changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 364, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 113, not voting 11, as follows:

[Roll No. 365]

## YEAS—308

Aderholt	Boehner	Cardoza
Akin	Bonilla	Carnahan
Alexander	Bonner	Carter
Allen	Bono	Case
Baca	Boozman	Castle
Bachus	Boren	Chabot
Baird	Boswell	Chandler
Baker	Boucher	Chocola
Barrett (SC)	Boustany	Cleaver
Bartlett (MD)	Boyd	Coble
Barton (TX)	Bradley (NH)	Cole (OK)
Bass	Brady (TX)	Conaway
Bean	Brown (SC)	Costa
Beauprez	Brown-Waite,	Cramer
Berkley	Ginny	Crenshaw
Berman	Burgess	Crowley
Biggett	Burton (IN)	Cubin
Bilbray	Buyer	Cuellar
Bilirakis	Calvert	Culberson
Bishop (GA)	Camp (MI)	Cummings
Bishop (NY)	Campbell (CA)	Davis (CA)
Bishop (UT)	Cannon	Davis (FL)
Blackburn	Cantor	Davis (KY)
Blunt	Capito	Davis (TN)
Boehlert	Cardin	Davis, Tom

## NAYS—113

Abercrombie	Conyers	Frank (MA)
Ackerman	Cooper	Green, Al
Andrews	Costello	Green, Gene
Baldwin	Davis (AL)	Grijalva
Barrow	Davis (IL)	Gutierrez
Becerra	DeFazio	Hastings (FL)
Berry	DeGette	Herseth
Blumenauer	Delahunt	Hinche
Brady (PA)	Dingell	Hinojosa
Brown (OH)	Doggett	Hoyer
Brown, Corrine	Doyle	Israel
Butterfield	Edwards	Jackson (IL)
Capps	Etheridge	Jefferson
Capuano	Farr	Jones (OH)
Carson	Fattah	Kaptur
Clay	Filner	Kennedy (RI)
Clyburn	Ford	Kildee

Kilpatrick (MI) Moran (VA) Serrano  
Kind Nadler Shadegg  
Kucinich Oberstar Solis  
Langevin Oliver Stark  
Larsen (WA) Ortiz Stearns  
Lee Owens Strickland  
Lewis (GA) Pallone Stupak  
Lipinski Pascrell Taylor (MS)  
Lofgren, Zoe Pastor Thompson (CA)  
Markey Price (NC) Thompson (MS)  
McCollum (MN) Rahall  
McDermott Rangel  
McKinney Reyes Udall (CO)  
Meehan Rothman Velázquez  
Meek (FL) Rush Visclosky  
Meeks (NY) Ryan (OH) Waters  
Melancon Sabo Watt  
Michaud Sanders Waxman  
Miller (NC) Schakowsky Weiner  
Miller, George Scott (GA) Woolsey  
Moore (WI) Scott (VA) Wu

## NOT VOTING—11

Davis, Jo Ann Northup Slaughter  
Evans Payne Tiahrt  
King (IA) Ros-Lehtinen Watson  
McNulty Sessions

## □ 1312

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# APPOINTMENT OF CONFEREES ON S. 250, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

THE SPEAKER pro tempore. The pending business is the vote on the motion to instruct on S. 250 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

THE SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 260, nays 159, not voting 13, as follows:

[Roll No. 366]

YEAS—260

Abercrombie Capito DeLauro  
Ackerman Capps Dent  
Alexander Capuano Dicks  
Allen Cardin Dingell  
Andrews Cardoza Doggett  
Baca Carnahan Doyle  
Baird Carson Edwards  
Baldwin Case Emanuel  
Barrow Castle Emerson  
Bean Chandler Engel  
Becerra Clay English (PA)  
Berkley Cleaver Eshoo  
Berman Clyburn Etheridge  
Berry Conyers Farr  
Bilirakis Cooper Fattah  
Bishop (GA) Costa Ferguson  
Bishop (NY) Costello Filner  
Blumenauer Cramer Fitzpatrick (PA)  
Boehrlert Crowley Foley  
Boozman Cuellar Forbes  
Boren Cummings Ford  
Boswell Davis (AL) Frank (MA)  
Boucher Davis (CA) Gerlach  
Boyd Davis (FL) Gibbons  
Brady (PA) Davis (IL) Gilchrest  
Brown (OH) Davis (KY) Gonzalez  
Brown, Corrine Davis (TN) Gordon  
Brown-Waite, DeFazio Green, Al  
Ginny DeGette Green, Gene  
Butterfield Delahunt Grijalva

Gutierrez McCarthy  
Gutknecht McCollum (MN)  
Harman McCotter  
Hastings (FL) McDermott  
Herseht McGovern  
Higgins McHugh  
Hinchey McIntyre  
Hinojosa McKinney  
Holden Meehan  
Holt Meek (FL)  
Honda Meeks (NY)  
Hooley Melancon  
Hoyer Michaud  
Inslee Sherman  
Israel Millender  
Jackson (IL) McDonald  
Jackson-Lee Miller (MI)  
(TX) Miller (NC)  
Jefferson Miller, George  
Johnson (CT) Molohan  
Johnson (IL) Moore (KS)  
Johnson, E. B. Moore (WI)  
Jones (NC) Moran (VA)  
Jones (OH) Murphy  
Kanjorski Murtha  
Kaptur Nadler  
Kelly Napolitano  
Kennedy (RI) Neal (MA)  
Kildee Ney  
Kilpatrick (MI) Nussle  
Kind Oberstar  
King (NY) Obey  
Kirk Oliver  
Kucinich Ortiz  
Kuhl (NY) Owens  
LaHood Pallone  
Langevin Pascrell  
Lantos Pastor  
Larsen (WA) Pelosi  
Larson (CT) Peterson (MN)  
Latham Platts  
LaTourette Poe  
Leach Pomeroy  
Lee Price (NC)  
Levin Pryce (OH)  
Lewis (GA) Rahall  
Lewis (KY) Ramstad  
Lipinski Rangel  
LoBiondo Regula  
Lofgren, Zoe Reyes  
Lowey Rogers (KY)  
Lungren, Daniel Ross  
E. Rothman  
Lynch Roybal-Allard  
Maloney Ruppersberger  
Markey Ryan (OH)  
Marshall Sabo  
Matheson Salazar  
Matsui Sanchez, Linda T.

## NAYS—159

Aderholt Davis, Tom  
Akin Deal (GA)  
Bachus Diaz-Balart, L.  
Baker Diaz-Balart, M.  
Barrett (SC) Doolittle  
Bartlett (MD) Drake  
Barton (TX) Dreier  
Bass Duncan  
Beauprez Ehlers  
Biggett Everett  
Bilbray Feeney  
Bishop (UT) Flake  
Blackburn Fortenberry  
Blunt Fossella  
Boehner Foxx  
Bonilla Franks (AZ)  
Bonner Frelinghuysen  
Bono Gallegly  
Boustany Garrett (NJ)  
Bradley (NH) Gillmor  
Brady (TX) Gingrey  
Brown (SC) Gohmert  
Burgess Goode  
Burton (IN) Goodlatte  
Buyer Granger  
Calvert Graves  
Camp (MI) Green (WI)  
Campbell (CA) Hall  
Cannon Hart  
Cantor Hastings (WA)  
Chabot Hayes  
Chocola Hayworth  
Coble Hefley  
Cole (OK) Hensarling  
Conaway Herger  
Crenshaw Hobson  
Cubin Hoekstra  
Culberson Hostettler

Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Serrano  
Shaw  
Shays  
Sherman  
Sherwood  
Simmons  
Skelton  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stearns  
Strickland  
Stupak  
Sullivan  
Neal (MA)  
Sweeney  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Weller  
Wexler  
Wilson (NM)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—13

Carter Northup Slaughter  
Davis, Jo Ann Payne Tiahrt  
Evans Ros-Lehtinen Watson  
Harris Rush  
McNulty Sessions

## □ 1321

Mr. GINGREY and Mr. WHITFIELD changed their vote from “yea” to “nay.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: Messrs. McKEON, CASTLE, SOUDER, OSBORNE, Mrs. MUSGRAVE, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. KIND.

There was no objection.

## GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on H.R. 2990, the Credit Rating Agency Duopoly Relief Act of 2006.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

# CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

THE SPEAKER pro tempore. Pursuant to House Resolution 906 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2990.

## □ 1323

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, with Mr. BOOZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Ohio (Mr. OXLEY) and the gentleman from Pennsylvania (Mr. KANJORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the largest corporate scandals in U.S. history, Congress passed the Sarbanes-Oxley Act strengthening the role of gatekeepers such as auditors, boards of directors, audit committees, and equity analysts. We now turn our attention to another gatekeeper, the credit rating agency, and Congressman FITZPATRICK's H.R. 2990, the Credit Rating Agency Duopoly Relief Act.

Credit ratings serve a vital function in our capital market system, providing investors with an understanding of the creditworthiness of corporations and municipalities with respect to debt and other securities. As evidenced by the failures in the rating of Enron and WorldCom, who were given investment grade ratings by Moody's and Standard & Poor's just days before declaring bankruptcy, the credit rating industry is in drastic need of increased competition and improved transparency.

Currently, the SEC designates ratings agencies as nationally recognized statistical ratings organizations, or NRSROs, through an opaque process that provides applicants little guidance on the substance and procedure by which they will be evaluated. Currently, only five rating agencies are designated as NRSROs by the SEC. Understandably, many more aspire to attain that designation, as NRSRO status confers a significant competitive advantage. However, new applications often languish for years without an up or down vote on admission into this elite club. In fact, the Department of Justice commented upon the SEC designation process in 1998, calling it a "nearly insurmountable barrier to entry."

The SEC's opaque designation process has created an artificial government-sponsored barrier to entry that has stifled competition and helped the two top rating agencies, Moody's and Standard & Poor's, garner some 80 percent of the market share. Without true competition of this industry, fees have skyrocketed and ratings quality has deteriorated. To put it mildly, this is not a transparent and efficient mark with robust competition.

Wanting to understand an industry with such a significant impact on the markets, Congress directed the SEC to examine credit rating agencies as part of the Sarbanes-Oxley Act. Since the release of the SEC's report on rating agencies in January 2003, the Committee on Financial Services and its Subcommittee on Capital Markets, Insurance and Government-Sponsored Enterprises through its chairman, RICHARD BAKER, have held five hearings on this subject, two of those hearings focused on H.R. 2990. Witnesses from the SEC, industry, academia, think tanks, and the rating agencies themselves echoed the problem areas highlighted by the SEC; namely, bar-

riers to entry leading to a lack of competition, conflicts of interest, poor transparency of agencies' rating methodologies, and a lack of accountability. Mr. FITZPATRICK's bill is the product of this comprehensive examination.

In his testimony of this past May before the Committee on Financial Services, our former colleague, SEC Chairman Cox, expressed support for the goals of H.R. 2990, and requested enhanced authority in this area. In a June 2006 letter to Ranking Member KANJORSKI, Mr. Cox stated, "You also asked whether the quality of credit ratings concerns me. My answer is most assuredly yes. In fact, transparency, competition, and greater oversight, the principles I mentioned during my testimony before the House Financial Services Committee on May 3, 2006, are, in my view, important means to achieve the end of ensuring the high quality of credit ratings." The principles cited by Mr. Cox are the very principles of Mr. FITZPATRICK's legislation before us.

In addition, SEC Commissioners Paul Atkins and Cynthia Glassman have expressed their disapproval with the current designation system, and Mr. Atkins has expressed support for a registration approach like the one embodied in this bill. SEC Commissioner Roel Campos has also expressed a need for legislation that deals with conflicts, increased transparency, and provides for SEC examination.

Mr. FITZPATRICK's bill follows the regulatory regimes applied to broker-dealers and investment advisors. In doing so, it rejects regulation controlled by the SEC in favor of the market-based approach that has driven our securities laws since the 1930s.

H.R. 2990 removes the SEC's designation process, and in its place gives rating agencies who have issued ratings for 3 years the option of registering as NRSROs. A voluntary registration system will level the playing field for all rating agencies and inject much needed competition into this industry. As we have seen time and time again in other markets, true competition begets lower prices and better performance. When dealing with investor protection, it is all the more critical to ensure that healthy competition exists, yielding more accurate and reliable ratings.

In addition, H.R. 2990 promotes transparency and empowers investors by requiring registrants to disclose the methodologies by which they generate ratings. It requires rating agencies to provide short, medium, and long-term performance statistics, and to make all information and documents submitted to the SEC publicly available. This will give the market a clearer understanding of the agencies that are rating debt. The bill also requires that rating agencies maintain a chief compliance officer to oversee compliance with the securities laws and protects market stability, providing that the voluntary regime will not go into effect until January 2008.

To insulate the rating agencies from overreaching legislation, H.R. 2990 affirms that the Federal Government may not intrude into rating agencies' methodologies or the ratings process.

Finally, I have concerns about the conflicts of interest which plague this industry. Ratings firms have expanded into new areas which, many commentators have suggested, further compromise their objectivity.

□ 1330

In addition, it has been alleged that leading rating agencies engage in certain abusive practices to the detriment of smaller market players. H.R. 2990 requires disclosure of conflicts of interest and prohibits such anti-competitive practices.

The many hours that the Committee on Financial Services and Mr. FITZPATRICK have spent on this issue have shown the problems cited by the SEC report are best rectified through a system of voluntary registration open to all eligible rating agencies. This will eliminate barriers to entry, promote competition, and do so using the least restrictive means of regulation.

I urge all Members to support this important bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our capital markets rely on the independent assessment of financial strength provided by credit raters. The bill before us, however, would decrease the quality of credit ratings because it would dramatically alter the way in which government identifies entities to issue the credit ratings used for essential regulatory purposes. I therefore oppose H.R. 2990.

In the 1970s, the Securities and Exchange Commission created nationally recognized statistical rating organizations. It is not a very sexy term and not well understood, but those are the little fellows that are called in to evaluate bonds and all types of instruments of debt and other materials that are sold throughout our financial system to pension funds and all others. They created these organizations in a rulemaking on the capital levels that brokers and dealers must hold. Since then, the term, with its inference to quality, credible, and reliable ratings has become embedded in numerous Federal, State, and local statutes, rules, and regulations.

Many private parties have also included references to "nationally recognized" agencies in the terms of their contracts, corporate bylaws, and pension trust agreements. Foreign governments and international bodies have used the concept in their accords and codes, too. In considering any bill to modify the process for identifying "nationally recognized" agencies, we must, therefore, keep in mind the need to maintain high quality ratings. It is this credible and reliable standard on

which investors rely. We should not lightly abandon this standard.

Critics of the present designation system have raised legitimate concerns about competition. I agree with the supporters of H.R. 2990 that increasing competition in the credit ratings used for regulatory purposes is a desirable goal. I further agree that the current designation process should be improved.

To achieve its objectives of greater competition, however, H.R. 2990 seeks to make statutory changes that will come at a dangerous cost. The bill, through its voluntary registration regime, will increase the number of "nationally recognized" agencies without providing sufficient authority to assure the issue ratings are credible and reliable. We must achieve equilibrium in these matters by balancing the desire to increase the quantity of approved credit raters with the need to ensure that their ratings are of a consistently high quality.

The minimum standard set forth in H.R. 2990 that allows any credit rater to obtain the "nationally recognized" designation after 3 years of experience are akin to granting a driver's license to anyone who meets a 3-year residency requirement. We know, however, to keep our roads safe, every potential driver must pass one or more quality assurance tests administered by a third party before getting a license. Why should we hold those rating agencies that serve as gatekeepers to our capital markets to a lower oversight standard?

Investor advocates have also concluded that quality should be an important factor in identifying "nationally recognized" agencies. The AFL-CIO, for example, has noted that replacing the concept of approved raters, "with a mere registration process without substantive oversight will be harmful to investors," and "ultimately to the functioning of our credit markets."

In a recent letter, the Consumer Federation of America has additionally observed that the central provision of H.R. 2990 is "fatally flawed." In competitive markets, "some credit rating agencies will invariably compete based on the leniency of their ratings methodology. That is not good for investors or for the integrity and efficiency of the markets."

Moreover, H.R. 2990 could allow history to repeat itself. In the wake of the savings and loan crisis, we required that the debt securities held in portfolios by financial institutions must be of investment grade as determined by a "nationally recognized" agency.

I may point out, in response to my colleague, the chairman of my subcommittee, Mr. BAKER, he seemed to indicate that the cause of the S&L disaster was that the rating agencies made mistakes. Quite to the contrary. The disaster was that the rating agencies were not used to determine investment grade instruments held in their portfolios, and that only occurred after the S&L disaster.

This bill's failure to ensure that such ratings continue to be credible and reliable could one day create another regrettable situation whereby the taxpayers need to finance a bailout of the deposit insurance funds. Moreover, this legislation threatens the strength of the Securities Investors Protection Corporation, which protects investors against fraud.

Less than 4 years ago, Congress wisely adopted the standards in the Sarbanes-Oxley Act to strengthen financial reporting, restore investor confidence, and assure the integrity of our capital markets. In an effort to promote competition, however, H.R. 2990 would weaken the quality of our ratings, thereby damaging investor confidence and the integrity of our markets going forward. It is, in other words, a step backwards.

In sum, Mr. Chairman, I find such developments are highly regrettable today and I urge my colleagues to reject H.R. 2990.

In response to the chairman of our committee's quoting from a letter addressed to me by Chairman Cox, our former colleague, he failed to read the second paragraph of Mr. Cox's letter, under part B. He properly read the first phase, and I won't repeat that, but Mr. Cox said, "In the weeks and months ahead, the commission," speaking of the Securities and Exchange Commission, "and its staff will continue to consider potential ways by which we can help facilitate the issuance of high quality ratings using our existing regulatory authority, including the adoption of an existing rulemaking proposal in some form or other approaches," thus indicating that the SEC has not had the opportunity to fully address this problem.

The SEC has not been called to testify before the committee on the consideration of this bill, and the fact is that of the five hearings held by this committee, at least four of the five occurred without the concept of the piece of legislation we are considering today.

I sympathize with the makers of this. I know they want to do the right thing. But speed to get a bill passed, to create an on-demand registration of a new entity that is so critical to trillions of dollars of instruments of debt should not pass this House without realizing the potential consequences, and they are great.

I concede rating agencies that exist today have made mistakes in Enron and WorldCom, but I recall, and I guess I have served on the committee a little longer than most, but Mr. OXLEY was certainly in the Congress, not on the committee at the time, but during the S&L disaster, I recall a very famous American, who is an economist and served in very high appointive office in the Federal Reserve, testifying before our committee that he had evaluated, for a professional fee, 20 entities, S&Ls, and had found them to be sound. Many of them failed within 4 months of his evaluation. Actually, 19 of the 20 he evaluated failed.

This is not kid's play. This is not a bean bag. This is very serious rating information that investors across the country, indeed across the world rely upon. Quality is clearly as important as quantity. We can have both. Just taking a greater consideration and using the expertise and availability of the Securities and Exchange Commission may do us well.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from Georgia (Mr. PRICE), a valuable member of the committee.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Chairman, I want to thank the chairman and the subcommittee chairman for their leadership on this issue, and I want to thank Mr. FITZPATRICK, the gentleman from Pennsylvania. I appreciate his leadership on this and on so many other issues. The citizens of Pennsylvania are truly fortunate to have you fighting for them, and I am honored to call you a colleague and a friend.

Mr. Chairman, this bill, H.R. 2990, addresses credit ratings, or judging the financial worthiness of companies. Credit ratings play a real and significant role in our economy. Investors rely on these ratings to determine risks of default of companies, both large and small, as well as governmental entities. Currently, these ratings are often the determining factor as to whether companies and, hence jobs, will expand, or whether local governments are able to finance major municipal improvement projects.

Presently, competition is severely lacking among credit rating agencies, as there are only five companies designated by the SEC. The current process fails to provide a reasonably clear path for potential new rating agencies. H.R. 2990 solves this problem by establishing an unambiguous registration process with appropriate oversight to ensure integrity and reliability in the rating process.

In addition to facilitating competition, the legislation would provide critically important information currently not available to investors. The bill would require disclosure of ratings processes so investors can better evaluate the quality of the ratings themselves. Further, rating organizations would be required to publicly disclose their policies relating to conflicts of interest and their organizational structure. Finally, they would be held accountable for ratings they issue if they don't follow their disclosed policies.

Mr. Chairman, these are all extremely important advances and improvements for our entire economy, and I urge adoption of H.R. 2990.

Mr. KANJORSKI. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and

for his leadership, and I rise in opposition of the underlying bill, H.R. 2990, and in support of the Kanjorski substitute.

I believe that all of us in this body support the promotion of healthy competition and improved transparency and accountability and independence in the rating agency industry. I certainly am concerned about the transparency and accountability of the industry. However, I believe that this particular bill will do more harm than good.

While the bill has been somewhat improved through various manager's amendments, I still have serious concerns regarding the bill that is before us. The bill contains a free-for-all in the ratings market without the usual market protections against abuse. For example, the bill allows almost anyone to register as a rating agency and issue ratings, but insulates rating agencies from lawsuits.

The fact that the bill does not provide adequate rating quality assurance is of grave concern to me for safety and soundness. Taking away the SEC's seal of approval for rating agencies will cause investors to possibly lose confidence in the markets because they are rightly concerned about ratings shopping or simply inaccurate ratings. We spent the last several years working to overcome the crisis in investor confidence caused by corporate governance scandals, and this is absolutely not the time for taking risks in this area.

□ 1345

Mr. Chairman, I also have procedural concerns regarding how this bill was advanced through the committee on which I serve. As you know, the SEC was not asked to participate in either of the two hearings that this committee held on this legislation. And given the role that the SEC plays now in effectively overseeing rating agencies and the role it will play in administering this legislation, I think we should receive testimony from them before taking legislative action.

This is a very complicated issue that could have a tremendous effect on the capital markets both here and abroad. I note that other international regulators have recently taken a very different approach than the one advocated by this bill.

While I am not prepared today to say which approach is better, I think it would be prudent for us to learn more from the SEC and other international regulators on credit rating agencies, and to determine whether we want to move towards greater international harmonization of standards, as opposed to going forward with this new change.

Simply put, before rushing to judgment, we need to better understand all of the impacts that could result from our actions here today. Rushing this bill to the floor is not the way to reach sound public policy. We need to understand all of the consequences of this

change and the effect it will have on the quality of our rating agencies.

So I urge my colleagues to oppose H.R. 2990 and to support the Kanjorski amendment.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time.

I had been a member of the Financial Services Committee, the gentleman's committee, and have worked on a number of different issues with him. I respect the work he has done on this issue, and also the sponsor, Mr. FITZPATRICK's work, and I rise in support of the bill.

The Credit Rating Agency Duopoly Relief Act will provide more transparency. For far too long only two rating agencies have had 80 percent of the market share. That is because they have an advantage under the current system. This bill will bring more competition and innovation into the credit rating agencies. This is extremely important. In the markets of today where we have had questions about the veracity of reported information, we need more competition among agencies and more transparency.

While there are 130 credit rating agencies in the financial markets, only five are designated as nationally recognized statistical rating organizations. Blocking competition in the marketplace and stifling innovation is never a good thing. Our laws should encourage open competition and a fair marketplace.

The basic principles of competition and fairness make our marketplace dynamic, and credit rating agencies should not be immune to these principles. By blocking entry to the market, mistakes have been made. The current certified agencies listed Enron as a safe investment and WorldCom as investment grade quality right before they filed for bankruptcy.

As a former member of the Financial Services Committee, I have worked closely on these issues surrounding both Enron and WorldCom after the collapse, and I am pleased we are taking this commonsense approach to strengthen our markets and provide consumers with more choice, more transparency and more responsible information.

Specifically, this bill will open the credit rating agency market by ensuring that more agencies will be able to get this national rating, ending the current requirement to specific business models. Encouraging competition and transparency in this industry will improve quality, and that is always better for the market.

Mr. KANJORSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member

of the subcommittee for his leadership on this. The goals here do not divide us; the methods do. Maybe it is a little bit of a role reversal, but I think, as the gentleman from Pennsylvania has made clear, we believe that the SEC ought to be relied on more fully here.

I understand the SEC supports the goals of this. We support the goals of this. The critical question is the implementation. We think this prematurely takes some decision-making that we ought to await for SEC input. We are talking about a very tough decision to make here. It is a lot of power to give an entity to be a rating agency.

People have alluded to the great power the two existing ones have. It is important that we have complete assurance for ourselves that the process we put in place for new rating agencies be very thoroughly checked out and very much prevented against abuse. Competition is a good thing, but not competition that could be a race to the bottom; and we regard SEC as an important part of this.

That is why the substitute that my friend from Pennsylvania has holds off on making some of these decisions, we believe, too hastily, and instead more deeply involves us with the SEC. We are not talking about waiting 5 or 10 years, but it seems imprudent to go forward without waiting for a full deliberation from the SEC.

There are other companies eager to get into the business, but the fact that other companies are eager to get into the business should not be driving us any more than the reluctance of the existing companies to have new people in the business. Both sets of considerations should not be driving us, neither to protect the existing businesses nor to enable the new ones.

What we ought to be doing is focusing on the public policy process for deciding who gets to do this, and we do not believe we are yet at the point where we can do that in the ideal fashion, and we will be better off if we wait for the SEC to give us its guidance.

Mr. OXLEY. Mr. Chairman, I yield 8 minutes to the author of the legislation, the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I thank Chairman OXLEY and subcommittee Chairman BAKER for their considerable leadership on this issue.

There have been no less than five hearings over the last two terms of Congress, dozens of witnesses and approaching 1,000 pages of transcribed testimony, all pointing to the unavoidable conclusion, which is that it is vital that Congress bring competition, transparency and accountability to the credit rating industry in this Nation.

Mr. Chairman, credit rating agencies have been issuing ratings on the likelihood of an issuer's default on debt payments since the early 20th century. Today, credit rating agencies rate companies, countries and bonds. Despite being often underestimated and overlooked, their power is immense. Credit

rating agencies have a great impact on the bottom line of companies, municipalities and school districts. The better the credit rating, the lower the interest rate that the borrower must pay.

This expansive influence finally came into question because of the recent corporate scandals and the fact that the two largest NRSROs, Standard & Poor's and Moody's, rated Enron and WorldCom at investment grade just prior to their bankruptcy filings. Essentially, they told the market that Enron and WorldCom were safe investments, even though their problems were very apparent in the marketplace. As a result, reforming the rating agency industry has been the subject of much debate in the House Committee on Financial Services.

S&P's and Moody's monitoring and reviewing of Enron and WorldCom fell far below the careful efforts one would have expected from organizations whose ratings hold so much importance. And Enron and WorldCom were not their only problems. But what are the other options that are out there?

There are 130 credit rating agencies in the financial market; however, only five are rated and designated as NRSROs by the SEC. This label is the root of the problem. The SEC coined the term NRSRO without defining it in its 1975 rule on net capital requirements when it obligated broker-dealers to hold more capital for those bonds rated junk by a NRSRO. Since then, other regulators in the private investment community have taken up the term, but also without defining it. As a result, credit ratings matter only if they are issued by an NRSRO.

The commission still has never defined the term, and it has been over 30 years. It is more than naive to assume that the SEC will actually define it now. Their track record is not encouraging.

To receive the illusive distinction, companies must be nationally recognized. This artificial barrier to entry has created a chicken-and-the-egg situation for non-NRSRO credit rating agencies trying to enter this industry. As a result of the artificial barrier to entry, there are only five NRSROs. Reputable credit rating firms have been unable to receive this distinction after trying for as long as a decade. Firms like Egan Jones in my home State of Pennsylvania receive no explanation from the SEC because no process actually exists.

This SEC-imposed barrier to entry has consolidated the industry, thus fostering a duopoly. Moody's and S&P enjoy over 80 percent of the market share and rate 99 percent of the debt in the market. As a result, Moody's and S&P are raking in record fees. Since 2000, Moody's and S&P have earned average annual returns on assets of 37 and 39 percent respectively over a 6-year period. This compares to the average return on assets over the same period earned by U.S. manufacturing firms of less than 5 percent per year.

These excessive profits are government-granted to those two NRSROs by virtue of the special status granted to them by the government. As a result of this lack of competition, the quality of ratings has decreased, prices are inflated, innovation has been stifled, and anticompetitive industry practices have been allowed in conflicts of interest, like tying, notching and unsolicited ratings, have gone unchecked.

Mr. Chairman, in the wake of the seminal failure by S&P and Moody's in the WorldCom and Enron scandals, we must ensure integrity in the credit rating process. H.R. 2990 would inject greater competition, transparency and accountability in the credit rating industry. As a result, prices and anticompetitive practices will be reduced, credit rating quality will improve, and firms will be forced to innovate.

This view is shared by the Bond Market Association, the Association for Financial Professionals, the Financial Executives International, Investment Company Institute, and The Financial Services Roundtable, and I will submit their letters of support for the RECORD.

Mr. Chairman, there is a lot of talk in this town about reform and transparency and managing conflicts of interest. This bill, I would submit, meets each of those challenges, and I would like to leave you with a quote right from the horse's mouth.

The SEC stated: "The greater competition in the market for credit ratings and analysis could provide for more credible and reliable ratings, and greater competition could also stimulate innovation in the technology and methods of analysis for issuing credit ratings, which could further lower barriers to entry."

I submit H.R. 2990 would do just that. I strongly urge a "yes" vote on H.R. 2990 to ensure integrity in the credit rating industry.

THE BOND MARKET ASSOCIATION,  
July 10, 2006.

Hon. MICHAEL FITZPATRICK,  
*House of Representatives,*  
Washington, DC.

DEAR REPRESENTATIVE FITZPATRICK: I applaud your efforts on legislation to reform the credit rating agency industry. The significant growth in the global capital markets in recent years has increased the importance of credit quality analysis. Boosting competition among credit rating agencies, as your legislation, the Credit Rating Agency Duopoly Relief Act (H.R. 2990), seeks to do, assures this critical industry will remain robust and innovative.

I appreciate that the version of H.R. 2990 approved last month by the House Financial Services Committee addresses concerns of Association members with an earlier version of the legislation. Specifically, the bill would no longer compel registration of a credit rating agency with the Securities and Exchange Commission. The amended version of H.R. 2990 also expands the definition of credit rating agency to include any person in the business of issuing credit ratings on the Internet or other readily accessible means for free or for a reasonable fee. Association members viewed the previous legislation as both too narrow—deeming a rating public only if it was disseminated on the Internet—and too

broad—including companies who produce ratings not used for regulatory purposes. The changes included in the new legislation will help foster competition in the industry.

Again, I commend your leadership on this important issue. We support H.R. 2990 and look forward to speedy action on the bill in the House.

Sincerely,

JOHN R. VOGT,  
*Executive Vice President.*

ASSOCIATION FOR FINANCIAL  
PROFESSIONALS,  
Bethesda, MD, July 10, 2006.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: On behalf of the 15,000 members of the Association for Financial Professionals (AFP), I urge the House to approve the "Credit Rating Agency Duopoly Relief Act" (H.R. 2990) that the House Financial Services Committee recently approved by voice vote.

Credit rating agencies and investor confidence in the ratings they issue are vital to the efficient operation of global capital markets. AFP's research has consistently shown that confidence in rating agencies and their ratings is low and has continued to diminish over the past few years.

One of the root problems with this market is the U.S. Securities and Exchange Commission's Nationally Recognized Statistical Rating Organization (NRSRO) designation, which has erected an artificial barrier to competition. This barrier has led to a concentration of market power among the recognized rating agencies and has removed the incentives for needed innovation in the global credit ratings market. The "Credit Rating Agency Duopoly Relief Act" (H.R. 2990), would eliminate this regulatory barrier by reforming the process that the SEC uses to designate Nationally Recognized Statistical Rating Organizations. H.R. 2990 establishes a new registration process setting a clear path to NRSRO designation. In addition, the legislation would provide prudent oversight to ensure that registered credit rating agencies continue to issue credible and reliable ratings.

As approved by the House Financial Services Committee, H.R. 2990 will foster competition in the global credit ratings market. This competition will stimulate innovation and improve the quality of information available to investors and, as a result, restore confidence in the credit ratings market.

Thank you for your support on this important issue.

Sincerely,

JIM KAITZ,  
*President and CEO.*

INVESTMENT COMPANY INSTITUTE,  
Washington, DC, July 10, 2006.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
Washington, DC.

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: The Investment Company Institute urges the House to approve H.R. 2990, the "Credit Rating Agency Duopoly Relief Act of 2005," legislation introduced by Rep. Michael Fitzpatrick (R-PA) and reported by the Financial Services Committee. The legislation will benefit investors and the securities markets by paving the way for increased competition in the credit ratings industry.



The SEC's current "Nationally Recognized Statistical Rating Organization" (NRSRO) designation process stifles competition and presents barriers for new entrants to compete with currently designated NRSROs. H.R. 2990 establishes a registration process through which additional rating agencies become NRSROs, while simultaneously granting the Commission appropriate authority to ensure the integrity and quality of credit ratings. The bill also brings much needed sunlight to credit ratings by requiring disclosure of an NRSRO's rating criteria, its methodologies and policies, how an NRSRO addresses conflicts of interest (as well as the conflicts themselves), and the organizational structure of an NRSRO.

The Institute and its members have a long-standing interest in credit ratings. Mutual funds employ credit ratings in a variety of ways—to help make investment decisions, to define investment strategies, to communicate with their shareholders about credit risk, and to inform the process for valuing securities. Most significantly for Institute members is the role of credit ratings in the operation of money market mutual funds, which currently have some \$2.1 trillion in assets. Money market funds are governed by Rule 2a-7 under the Investment Company Act, which limits these funds to investing in securities either rated in the two highest short-term rating categories by an NRSRO, or determined by the fund board to be of comparable quality.

Given the importance of credit ratings to mutual funds and fund shareholders, we greatly appreciate the work of the Financial Services Committee on this issue. Accordingly, we urge Members to support this important reform legislation and vote aye on final passage. Please do not hesitate to contact me directly, or Dan Crowley in the Institute's Office of Government Affairs, (202) 326-5962, if we can provide you with any additional information.

With very best regards.

Sincerely,

PAUL SCHOTT STEVENS.

THE FINANCIAL SERVICES ROUNDTABLE,  
Washington, DC, July 10, 2006.

Hon. MICHAEL G. FITZPATRICK,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN FITZPATRICK: On behalf of the members of The Financial Services Roundtable, I urge you to vote for H.R. 2990, "The Credit Rating Agency Duopoly Relief Act of 2006." It would facilitate the creation of much needed competition in the credit ratings industry. Additionally, we believe that increased competition for credit rating agencies will lower the costs to financial institutions, add integrity to the credit rating process, and increase earnings for investors.

Congressional action in the credit rating industry is necessary. H.R. 2990 will help facilitate structural reform at the Securities and Exchange Commission (SEC) concerning the oversight of credit rating agencies with greater competition premised on a competitive market place philosophy.

H.R. 2990 should be enacted into law this year, specifically, for the following reasons:

There is a lack of competition among credit rating agencies. This is evidenced by the SEC designating only five companies as Nationally Recognized Statistical Recognized Organizations (NRSROs)—two of which control approximately 80% of the market. The current designation process is outdated and inefficient. H.R. 2990 would address this problem by establishing an unambiguous SEC registration process with commensurate oversight to ensure integrity in the ratings process. Moreover, to be an NRSRO, a credit rating agency must have been in business for

at least three consecutive years and be registered under section 15E of the Securities Exchange Act of 1934.

This legislation would require increased disclosure of the ratings process, thus enabling the investor to make better informed decisions.

Many NRSROs have a conflict of interest concerning the independence and quality of their ratings. H.R. 2990 resolves this issue by requiring companies to publicly disclose any conflicts of interest relating to the issuance of credit ratings.

The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO. Roundtable member companies provide fuel for America's economic engine, accounting directly for \$50.5 trillion in managed assets, \$1.1 trillion in revenue, and 2.4 million jobs.

In conclusion, we urge all members to vote for final passage of H.R. 2990, "the Credit Rating Agency Duopoly Relief Act of 2006." If you or your staff have any questions or would like to discuss these issues further, please call me or Irving Daniels at 202-289-4322.

Best regards,

STEVE BARTLETT,  
President and CEO.

ASSOCIATION FOR  
FINANCIAL PROFESSIONALS,  
July 10, 2006.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER AND MADAM LEADER: The undersigned associations, representing a broad array of financial services firms, support H.R. 2990, the Credit Rating Agency Duopoly Relief Act, and urge its passage by the House. As associations representing mutual funds, corporate issuers, broker/dealers and institutional investors, we all agree that H.R. 2990 would facilitate much needed competition in the credit ratings industry.

Credit ratings play a significant role in the securities markets as well as the economy as a whole. Investors rely on ratings to measure relative default risks of large and small companies, as well as government entities. Ratings produced by Nationally Recognized Statistical Rating Organizations (NRSROs) are often the determining factor as to whether companies will expand or local governments can finance major municipal projects. Furthermore, ratings assigned by NRSROs play a significant role in determining the permissible instruments that certain institutional investors can hold.

Currently, competition is severely lacking among credit rating agencies as the SEC has designated only five companies as NRSROs—two of which overwhelmingly dominate the market. The current process for attaining the NRSRO designation fails to provide a reasonably clear path for potential new aspirants to follow. H.R. 2990 solves this problem by establishing an unambiguous SEC registration process with commensurate oversight to ensure integrity in the ratings process.

In addition to facilitating competition, the legislation would provide critically important information, currently unavailable to investors, about the methodologies NRSROs use to assign ratings. The bill would not dictate how NRSROs must operate but instead require disclosure of ratings processes so in-

vestors can better evaluate the quality of ratings. Additionally, NRSROs would be required to publicly disclose their policies relating to conflicts of interest and their organizational structure. Finally, NRSROs would be held accountable for ratings they issue in contravention to their disclosed policies.

We thank the Financial Services Committee for its work on NRSRO reform over the past two Congresses. H.R. 2990 significantly reforms the credit ratings industry by increasing competition, providing appropriate SEC oversight, enhancing transparency, and heightening accountability—reforms that will greatly benefit investors and securities markets as a whole. Accordingly, we urge Members to support this much-needed legislation and vote aye on final passage.

Respectfully,

Association for Financial Professionals.  
Investment Company Institute.  
The Financial Services Roundtable.

Mr. KANJORSKI. Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BAKER), the chairman of the Capital Markets Subcommittee.

Mr. BAKER. Mr. Chairman, I thank the gentleman for yielding and wish to compliment him for his leadership in this matter, as well as that of Mr. FITZPATRICK who has put many hours into this subject matter and, I think, has helped to produce legislation worthy of this House's consideration.

I wish to enter into the RECORD the statement of administration policy issued July 12 of this year regarding the passage of H.R. 2990, the relevant portion being: "This legislation would enable more credit rating agencies to qualify nationally under Securities and Exchange Commission regulation. The bill requires credit rating agencies to disclose their performance records, methodologies and any conflicts of interest. The administration looks forward to working with Congress as we move towards these goals."

It is clear the administration and the members of the Committee on Financial Services have found H.R. 2990 not only to be good legislation but necessary to be adopted; and why is that so?

If one were to ask how could you become a credit rating agency and get a part of this lucrative business today, the process is unclear. It is much like the old adage relative to identifying art, "I know it when I see it."

It has been some 30 years since the SEC adopted its current methodology for establishing this recognition, and yet we do not know today how one can successfully become an NRSRO, much less once you are one, who is it that looks over your shoulder, and should they find inappropriate behavior, how is one unregistered or decommissioned. That process is also unclear.

What we do know from the record is that very lucrative companies have engaged in a government-granted business operation, have garnered significant profits, and have not on all counts met their professional fiduciary duties.

The bill at hand provides for resources to register, oversee and, yes,

even unregister, decommission, provide for someone losing their license should they be found not meeting appropriate financial and fiduciary standards. For that reason alone the bill should be adopted.

But let me give one more example of past practice which I found troublesome. In the past, a rating agency could select a corporation on which it could engage in its credit analysis and issue an unsolicited credit rating. Unsolicited means the company didn't ask for it, but in some cases the rating agency would forward a bill to the corporation. Now why would the corporation pay that bill? Well, if a corporation, a public operating company, is going to issue public debt, they have to have the rating of at least two independent credit rating agencies.

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Since two of the credit rating agencies perform about 99 percent of the ratings, it would become pretty evident that you would pay the bill because some time in the future your corporation would need to enter the public debt markets.

This bill will provide the authority for the SEC to prohibit such activity in the future, I think a highly appropriate reform. Certainly, there could be other matters brought to the attention of the House on the subject of value, but the underlying essential reforms contained in this bill should be adopted and adopted today.

STATEMENT OF ADMINISTRATION POLICY, JULY 12, 2006

H.R. 2990—CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

The Administration supports House passage of H.R. 2990, the Credit Rating Agency Duopoly Relief Act of 2006. This legislation would enable more credit rating agencies to qualify nationally under Securities and Exchange Commission (SEC) regulations. In addition, the bill requires credit rating agencies to disclose their performance records, methodologies, and any conflicts of interest. This bill would improve competition and transparency in the credit rating industry, which ultimately would benefit individual investors. The Administration looks forward to working with Congress to accomplish these goals.

Mr. KANJORSKI. Mr. Chairman, I think there are good intentions on both sides of this issue, and unfortunately, I find it to be an extremely complicated issue and, most of all, not a sexy issue, as you can see by attendance on the floor.

I doubt whether 5 percent of our viewing audience out there understands what a nationally recognized statistical rating organization really is, and probably not a great deal more really care about it. Except, when you look at what they do and the effect they have on all of our lives in some very big ways, they are an important entity and we have to get this right.

And I want to point out that when this entity was constructed by rule, as Mr. FITZPATRICK pointed out, in 1975, there were originally three agencies

that were granted this nationally recognized statistical rating organization nomenclature. Since that time, six have been added, for a total of nine.

Existing today, there are only five because there has been consolidation in the industry. But what that indicates is that this has not been a prohibitive area for qualified organizations to gain the recognition of a nationally recognized statistical rating organization.

I think, and I agree with our friends on the other side, that competition would be good, and the availability to enter this field would be much better if we can find a methodology to do that. It does not necessitate, however, a regimentation regime, and it certainly doesn't justify the thinking process that the marketplace, through competition, will cure all ends, and particularly if you look at the cost of competition and what it means.

Certainly, when we are dealing with hundreds and billions and trillions of dollars in instruments to be evaluated by these organizations, whatever the cost of getting that down is infinitesimal to the importance of getting the quality of the organization correct and the rating correct to protect investors.

I think that what we have a tendency to do is to think competition in and of itself is such a wonderful thing that it is going to solve all purposes. Well, I could suggest to my colleagues on the other side that if brain surgery is expensive we could entertain the idea that any doctor can register after 3 years of practice to be a brain surgeon, and that would qualify him to be a brain surgeon. And in many instances, in many places it clearly may, although I don't want him operating on my brain, and I assure you most of the Members of this House wouldn't want that process used to qualify one's self as a brain surgeon.

This organizational structure and the methodology used in the rating agency are analogous to the complications of brain surgery in the financial field. There aren't many organizations that have the capacity to do it. Those that do should have methodologies of being tested as to quality, transparency and methodology, and they should have increased competition. That we agree upon.

What we disagree upon is the nature of this bill and the regime of registration is not sufficient to guarantee quality. What may very easily happen is one or two rogue organizations, after 3 years, may apply, be designated as a nationally recognized statistical rating organization, and then do what Mr. BAKER referred to, actually bid down the value by getting business and offering to give good ratings to get business. They may actually deteriorate the value and the quality of the ratings. We don't know that for certain. We don't want to suggest that. We want to make sure that we structure a methodology and means of designating nationally recognized statistical rating organizations so we don't have deteriora-

tion in quality just to get quantity. What we wish to have is quantity and quality, and both are equally important.

I urge my colleagues in the House to consider that when they vote on this measure. I am offering a substitute which we will debate for 20 minutes immediately after the close of this debate.

I think that this is premature. At the very least, the committee and the Congress should have received legitimate critiques from the Securities Exchange Commission with all the expertise that they have. I am sure most of us don't feel fully qualified to view the structure of these organizations and their ability to perform on the basis of what we know individually. We are relying on expertise evaluation that is contained in very limited areas, one of which is certainly an independent agency of the United States Government, the Securities and Exchange Commission.

I would urge, at this time, a "no" vote on passage of this when we get to that point in the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, in closing, let me first of all recognize the gentleman from Pennsylvania, Mr. FITZPATRICK. He has been a real bulldog on this issue. The committee has worked its will passing this bill on a voice vote in the committee. His leadership has been extraordinary. The committee has had numerous hearings. We have had input from all of the usual sources, and then some, to craft this legislation.

If somebody were to tell you or anybody in this body that there was an industry out there where 80 percent of that business was controlled by two companies, whether it was in the steel industry or the auto industry, the health care field, I would suggest that particularly my friends on the other side of the aisle would be particularly upset and call it restraint of trade and ask for all kinds of investigations and to try to induce more competition and new entries into that marketplace. And that is exactly what we have got here. We have got credit rating agencies that for the last 35 years have basically had a duopoly on this very lucrative business. And as in the case with any other kind of business, when you have a duopoly or an oligopoly, you have lack of competition. You have a situation where you have conflicts of interest almost guaranteed, and you have a lack of transparency at the same time. That is what we attack in the Fitzpatrick legislation.

Now, I have been chairman of this committee for 6 years. Even before I was chairman of this committee this was an issue. The SEC would always come up before the committee, testify, well, we are working on it. We are trying to open this up. And yet, a frustrated member of the committee said, when are you ever going to get around to it?

This legislation is a wakeup call to the SEC, to the industry that, at least from our perspective, we are tired of waiting for this to happen. Everybody likes competition, but nobody likes competitors. Everybody wants to go to heaven, but nobody wants to die.

It is time that we provide the kind of competitive structure in this critical area that is long due coming.

There is a reason why, Mr. Chairman, in the Sarbanes-Oxley Act that we requested this study, because we knew that part of the problem going forward with Enron and WorldCom and the like was lack of competition and the abysmal ratings effect that two members of the duopoly created right before Enron and WorldCom collapsed. Just think about the credit rating that they gave to Enron and WorldCom just weeks before they collapsed, and it tells you a lot about the lack of competition, the lack of transparency and a potential conflict of interest in the existing status quo.

This bill is anti-status quo. It is far reaching. It is visionary, and MIKE FITZPATRICK's leadership on this cannot be overestimated. And so I think that every Member should take a look at this. This is part of the ongoing process to make our markets more competitive, more transparent, and this bill is a natural follow-up on what this Congress and what this committee has done over the years to create better confidence in the markets by investors to provide more competition therein. This legislation gets the job done, and all Members should support it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2990

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "Credit Rating Agency Duopoly Relief Act of 2006".

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

#### SEC. 2. FINDINGS.

Upon the basis of facts disclosed by the record and report of the Securities and Exchange Commission made pursuant to section 702 of the Sarbanes-Oxley Act of 2002 (116 Stat. 797), hearings before the House Committee on Financial Services during the 108th and 109th Congresses, comment letters to the concept releases and proposed rules of the Securities and Exchange Commission, and facts otherwise disclosed and ascertained, the Congress finds that—

(1) credit rating agencies are of national concern, in that, among other things—

(A) their ratings, publications, writings, analyses, and reports are furnished and distributed, and their contracts, subscription agreements, and other arrangements with clients are negotiated and performed, by the use of the mails and means and instrumentalities of interstate commerce;

(B) their ratings, publications, writings, analyses, and reports customarily relate to the purchase and sale of securities traded on securities exchanges and in interstate over-the-counter markets, securities issued by companies engaged in business in interstate commerce, and securities issued by national banks and member banks of the Federal Reserve System;

(C) the foregoing transactions occur in such volume as substantially to affect interstate commerce, and securities markets, the national banking system, and the national economy; and

(D) their regulation serves the compelling interest of investor protection; and

(2) the Securities and Exchange Commission—

(A) has, through its designation of certain credit rating agencies as nationally recognized statistical rating organizations, created an artificial barrier to entry for new participants; and

(B) will, in its latest proposed rule defining nationally recognized statistical rating organizations, codify and strengthen this barrier.

#### SEC. 3. DEFINITIONS.

Section 3(a) (15 U.S.C. 78c(a)) is amended by adding at the end the following new paragraphs:

"(60) **CREDIT RATING.**—The term 'credit rating' means an assessment of the creditworthiness of an obligor as an entity or with respect to specific securities or money market instruments.

"(61) **CREDIT RATING AGENCY.**—The term 'credit rating agency' means any person—

"(A) engaged in the business of issuing credit ratings on the Internet or through another readily accessible means, for free or for a reasonable fee;

"(B) employing either a quantitative or qualitative model, or both, to determine credit ratings; and

"(C) receiving fees from either issuers, investors, or other market participants, or a combination thereof.

"(62) **NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION OR NRSRO.**—The term 'nationally recognized statistical rating organization' means a credit rating agency that—

"(A) has been in business for at least three consecutive years; and

"(B) is registered under section 15E.

"(63) **PERSON ASSOCIATED WITH A NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.**—The term 'person associated with a nationally recognized statistical rating organization' means any partner, officer, director, or branch manager of such nationally recognized statistical rating organization (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such nationally recognized statistical rating organization, or any employee of such nationally recognized statistical rating organization."

#### SEC. 4. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

(a) **AMENDMENT.**—The Securities Exchange Act of 1934 is amended by inserting after section 15D (15 U.S.C. 78o-6) the following new section:

#### "SEC. 15E. REGISTRATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

"(a) **REGISTRATION PROCEDURES.**—

"(1) **FILING OF APPLICATION FORM.**—A credit rating agency that elects to be treated as a nationally recognized statistical rating organization for the purposes of Federal statutes, rules, and regulations may be registered by filing with

the Commission an application for registration in such form and containing such of the following and any other information and documents concerning such organization and any persons associated with such organization as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors:

"(A) any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization;

"(B) the procedures and methodologies such nationally recognized statistical rating organization uses in determining credit ratings;

"(C) credit ratings performance measurement statistics over short-term, mid-term, and long-term periods of such nationally recognized statistical rating organization;

"(D) policies or procedures adopted and implemented by such nationally recognized statistical rating organization to prevent the misuse in violation of this title (or the rules and regulations thereunder) of material, non-public information; and

"(E) the organizational structure of such nationally recognized statistical rating organization.

"(2) **REVIEW OF APPLICATION.**—

"(A) **INITIAL DETERMINATION.**—Within 90 days of the date of the filing of such application (or within such longer period as to which the applicant consents) the Commission shall—

"(i) by order grant such registration; or

"(ii) institute proceedings to determine whether registration should be denied.

"(B) **CONDUCT OF PROCEEDINGS.**—Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within 120 days of the date of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for conclusion of such proceedings for up to 90 days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

"(C) **GROUND FOR DECISION.**—The Commission shall grant such registration if the Commission finds that the requirements of this section are satisfied. The Commission shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (b).

"(3) **PUBLIC AVAILABILITY OF INFORMATION.**—Subject to section 24, the Commission, by rule, shall require a nationally recognized statistical rating organization, upon the granting of registration under this section, to make the information and documents filed with the Commission in its application for registration, or in any amendment filed under subsection (b)(1) or (2), publicly available on the website or comparable readily accessible means of such nationally recognized statistical rating organization.

"(b) **UPDATE OF REGISTRATION.**—

"(1) **UPDATE.**—Each nationally recognized statistical rating organization shall promptly amend its application for registration under this section if any information or documents provided therein become materially inaccurate, except that a nationally recognized statistical rating organization is not required to amend the information required to be filed under subsection (a)(1)(C) by a filing under this paragraph, but shall amend such information in such organization's annual filing under paragraph (2) of this subsection.

"(2) **CERTIFICATION.**—Not later than 90 days after the end of each calendar year, each nationally recognized statistical rating organization shall file with the Commission an amendment to its registration, in such form as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

“(A) certifying that the information and documents in the application for registration of such nationally recognized statistical rating organization continue to be accurate; and

“(B) listing any material changes that occurred to such information or documents during the previous calendar year.

“(c) ACCOUNTABILITY FOR RATINGS PROCEDURES.—

“(1) AUTHORITY.—The Commission shall have the authority under this Act to take action against any nationally recognized statistical rating organization if such nationally recognized statistical rating organization issues credit ratings in contravention of those procedures, criteria, and methodologies that such nationally recognized statistical rating organization—

“(A) includes in its application for registration under this section; or

“(B) makes and disseminates in reports pursuant to section 17(a) or the rules and regulations thereunder.

“(2) LIMITATION.—The rules and regulations applicable to nationally recognized statistical rating organizations the Commission may prescribe pursuant to this Act shall be narrowly tailored to meet the requirements of this Act applicable to nationally recognized statistical rating organizations and shall not purport to regulate the substance of credit ratings or the procedures and methodologies by which such nationally recognized statistical rating organizations determine credit ratings.

“(d) CENSURE, DENIAL, OR SUSPENSION OF REGISTRATION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding 12 months, or revoke the registration of any nationally recognized statistical rating organization if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is in the public interest and that such nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, whether prior to or subsequent to becoming so associated—

“(1) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (H), or (G) of paragraph (4) of section 15(b), has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

“(2) has been convicted during the 10-year period preceding the date of filing of any application for registration, or at any time thereafter, of—

“(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in section 15(b)(4)(B); or

“(B) a substantially equivalent crime by a foreign court of competent jurisdiction; or

“(3) is subject to any order of the Commission barring or suspending the right of the person to be associated with a nationally recognized statistical rating organization.

“(e) WITHDRAWAL FROM REGISTRATION.—A nationally recognized statistical rating organization registered under this section may, upon such terms and conditions as the Commission may establish as necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any nationally recognized statistical rating organization is no longer in existence or has ceased to do business as a credit rating agency, the Commission, by order, shall cancel the registration of such nationally recognized statistical rating organization.

“(f) REPRESENTATIONS.—

“(1) REPRESENTATIONS OF SPONSORSHIP BY UNITED STATES OR AGENCY THEREOF.—It shall be

unlawful for any nationally recognized statistical rating organization registered under this section to represent or imply in any manner whatsoever that such nationally recognized statistical rating organization has been designated, sponsored, recommended, or approved, or that such nationally recognized statistical rating organization's abilities or qualifications have in any respect been passed upon, by the United States or any agency, any officer, or any employee thereof.

“(2) REPRESENTATION AS NRSRO OF UNREGISTERED CREDIT RATING AGENCIES.—It shall be unlawful for any credit rating agency to represent or imply in any manner whatsoever that such credit rating agency has been designated, sponsored, recommended, or approved, or that such credit rating agency's abilities or qualifications have in any respect been passed upon, by the United States or any agency, any officer, or any employee thereof. It shall be unlawful for any credit rating agency that is not registered under this section as a nationally recognized statistical rating organization to state that such credit rating agency is a nationally recognized statistical rating organization under this Act.

“(3) STATEMENT OF REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934 PROVISIONS.—No provision of paragraph (1) shall be construed to prohibit a statement that a nationally recognized statistical rating organization is a nationally recognized statistical rating organization under this Act, if such statement is true in fact and if the effect of such registration is not misrepresented.

“(g) PREVENTION OF MISUSE OF NONPUBLIC INFORMATION.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of such nationally recognized statistical rating organization's business, to prevent the misuse in violation of this title, or the rules or regulations thereunder, of material, nonpublic information by such nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall adopt rules or regulations to require specific policies or procedures reasonably designed to prevent misuse in violation of this title (or the rules or regulations thereunder) of material, nonpublic information.

“(h) MANAGEMENT OF CONFLICTS OF INTEREST.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce written policies and procedures reasonably designed, taking into consideration the nature of the business of such nationally recognized statistical rating organization and affiliated persons and affiliated companies of such nationally recognized statistical rating organization, to address and manage the conflicts of interest that can arise from such business. The Commission, as it deems necessary or appropriate in the public interest or for the protection of investors, shall adopt rules or regulations to prohibit, or require the management or disclosure of, any conflicts of interest relating to the issuance of credit ratings by a nationally recognized statistical rating organization including, without limitation, conflicts of interest relating to—

“(1) the manner in which a nationally recognized statistical rating organization is compensated by the obligor, or any affiliate of the obligor, for issuing credit ratings or providing related services;

“(2) the provision of consulting, advisory, or other services by a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, to the obligor, or any affiliate of the obligor;

“(3) business relationships, ownership interests, or any other financial or personal interests

between a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, and the obligor, or any affiliate of the obligor; and

“(4) any affiliation of a nationally recognized statistical rating organization, or any person associated with such nationally recognized statistical rating organization, with any person that underwrites the securities or money market instruments that are the subject of a credit rating.

“(i) PROHIBITED CONDUCT.—

“(1) PROHIBITED ACTS AND PRACTICES.—The Commission may adopt rules or regulations to prohibit any act or practice relating to the issuance of credit ratings by a nationally recognized statistical rating organization that the Commission determines to be unfair, coercive, or abusive, including any act or practice relating to—

“(A) seeking payment for a credit rating that has not been specifically requested by the obligor—

“(i) from an obligor; or

“(ii) from an affiliate of an obligor, unless—

“(I) the organization is organized under subsection (a)(1)(E) to receive fees from investors or other market participants, or a combination thereof; and

“(II) the affiliate is such an investor or participant;

“(B) conditioning or threatening to condition the issuance of a credit rating on the obligor's, or an affiliate of the obligor's, purchase of other services or products, including pre-credit rating assessment products, of the nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization;

“(C) lowering or threatening to lower a credit rating on, or refusing to rate, securities or money market instruments issued by an asset pool unless a portion of the assets within such pool also is rated by the nationally recognized statistical rating organization;

“(D) modifying or threatening to modify a credit rating or otherwise departing from its adopted systematic procedures and methodologies in determining credit ratings, based on whether the obligor, or an affiliate of the obligor, pays or will pay for the credit rating or any other services or products of the nationally recognized statistical rating organization or any person associated with such nationally recognized statistical rating organization.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1), or in any rules or regulations adopted thereunder, shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For the purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition.

“(j) DESIGNATION OF COMPLIANCE OFFICER.—Each nationally recognized statistical rating organization shall designate an individual responsible for administering the policies and procedures that are required to be established pursuant to subsections (g) and (h), and for ensuring compliance with the securities laws and the rules and regulations thereunder, including those promulgated by the Commission pursuant to this section.

“(k) STATEMENTS OF FINANCIAL CONDITION.—Each nationally recognized statistical rating organization shall, on a confidential basis, file with the Commission, at intervals determined by the Commission, such financial statements, certified (if required by the rules or regulations of the Commission) by an independent public accountant, and information concerning its financial condition as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(1) **ELIMINATION OF COMMISSION DESIGNATION PROCESS FOR NRSRO'S.**—

“(1) **CESSATION OF DESIGNATION.**—Within 30 days after the enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall cease to designate persons and companies as nationally recognized statistical rating organizations, as that term is used under rule 15c3-1 of the Commission's rules (17 CFR 240.15c3-1).

“(2) **PROHIBITION ON RELIANCE ON NO-ACTION RELIEF.**—The no-action relief that the Commission has granted with respect to the designation of nationally recognized statistical rating organizations, as that term is used under rule 15c3-1 of the Commission's rules (17 CFR 240.15c3-1), shall be void and of no force or effect.

“(3) **NOTICE TO OTHER AGENCIES.**—Within 30 days after the date of enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall give notice to the Federal agencies which employ the term ‘nationally recognized statistical rating organization’ (as that term is used under rule 15c3-1 of the Commission's rules (17 CFR 240.15c3-1)) in their rules and regulations regarding the actions undertaken pursuant to this section.

“(4) **REVIEW OF EXISTING REGULATIONS.**—Within 180 days after the date of enactment of the Credit Rating Agency Duopoly Relief Act of 2006, the Commission shall review its existing rules and regulations which employ the term ‘nationally recognized statistical rating organization’ or ‘NRSRO’ and promulgate new or revised rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.”.

(b) **CONFORMING AMENDMENTS TO THE 1934 ACT.**—

(1) Section 15(b)(4)(B)(ii) (15 U.S.C. 78o(b)(4)(B)(ii)) is amended by inserting “nationally recognized statistical rating organization,” after “transfer agent.”.

(2) Section 15(b)(4)(C) (15 U.S.C. 78o(b)(4)(C)) is amended by inserting “nationally recognized statistical rating organization,” after “transfer agent.”.

(3) Section 21B(a) (15 U.S.C. 78u-2(a)) is amended by inserting “15E,” after “15C.”.

(c) **OTHER CONFORMING AMENDMENTS.**—

(1) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following new paragraph: “(53) The term ‘credit rating agency’ has the same meaning as given in section 3 of the Securities Exchange Act of 1934.”.

(2) Section 9(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended by inserting “credit rating agency,” after “transfer agent.”.

(3) Section 9(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended by inserting “credit rating agency,” after “transfer agent.”.

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following new paragraph: “(28) The term ‘credit rating agency’ has the same meaning as given in section 3 of the Securities Exchange Act of 1934.”.

(5) Section 203(e)(2)(B) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is amended by inserting “credit rating agency,” after “transfer agent.”.

(6) Section 203(e)(4) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(e)) is amended by inserting “credit rating agency,” after “transfer agent.”.

(7) Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended by striking “effectively” and all that follows through “broker-dealers” and inserting “that is a nationally recognized statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934”.

(8) Section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087-2) is amended in subsection

(r)(15)(A) by striking “means any entity recognized as such by the Securities and Exchange Commission” and inserting “means any nationally recognized statistical rating organization as that term is defined under the Securities Exchange Act of 1934”.

(9) Section 601(10) of title 23, United States Code, is amended by striking “identified by the Securities and Exchange Commission as a Nationally Recognized Statistical Rating Organization” and inserting “registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization as that term is defined under the Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.)”.

#### **SEC. 5. ANNUAL AND OTHER REPORTS.**

Section 17(a)(1) (15 U.S.C. 78q(a)(1)) is amended by inserting “nationally recognized statistical rating organization,” after “registered transfer agent.”.

#### **SEC. 6. GAO STUDY AND REPORT REGARDING CONSOLIDATION OF CREDIT RATING AGENCIES.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study—

(1) to identify—

(A) the factors that have led to the consolidation of credit rating agencies;

(B) the present and future impact of the condition described in subparagraph (A) on the securities markets, both domestic and international; and

(C) solutions to any problems identified under subparagraph (B), including ways to increase competition and the number of firms capable of providing credit rating services to large national and multinational business organizations that are subject to the securities laws;

(2) of the problems, if any, faced by business organizations that have resulted from limited competition among credit rating agencies, including—

(A) higher costs;

(B) lower quality of services;

(C) anti-competitive practices;

(D) impairment of independence; and

(E) lack of choice; and

(3) whether and to what extent Federal or State regulations impede competition among credit rating agencies.

(b) **CONSULTATION.**—In planning and conducting the study under this section, the Comptroller General shall consult with—

(1) the Securities and Exchange Commission;

(2) the Department of Justice; and

(3) any other public or private sector organization that the Comptroller General considers appropriate.

(c) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

#### **SEC. 7. EFFECTIVE DATE.**

The amendments made by sections 4 and 5 shall take effect on January 1, 2008, except as otherwise provided in paragraphs (1), (3), and (4) of subsection (1) of section 15E of the Securities Exchange Act of 1934 (as added by such amendments), and except that the Securities and Exchange Commission is authorized to prescribe rules and regulations to carry out such amendments beginning on the date of enactment of this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109-550. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in

the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109-550.

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OXLEY:

Page 3, line 20, insert “staff” after “its”.

Page 4, line 1, strike “will” and insert “would”.

Page 4, line 16, insert “but does not include a commercial credit reporting company” after “fee”.

Page 5, line 3, strike “for at least three” and insert “as a credit rating agency for at least the past 3”.

Page 6, line 1, strike “FILING” and insert “FURNISHING”.

Page 6, line 5, strike “filing with” and insert “furnishing to”.

Page 6, line 21, insert “(as applicable)” after “periods”.

Page 7, line 9, strike “filing” and insert “furnishing”.

Page 7, line 20, strike “filing” and insert “furnishing”.

Page 8, line 11, strike “subsection (b)” and insert “subsection (d)”.

Page 8, line 17, strike “filed with” and insert “furnished to”.

Page 8, line 18, strike “filed” and insert “furnished”.

Page 8, line 19, strike “the website or” and insert “its website or through another”.

Page 8, beginning on line 20, strike “of such nationally recognized statistical rating organization”.

Page 9, line 4, strike “filed” and insert “furnished”.

Page 9, line 5, strike “a filing” and insert “an amendment furnished”.

Page 9, line 7, strike “filing” and insert “amendment furnished”.

Page 9, beginning on line 11, strike “file with” and insert “furnish to”.

Page 11, line 20, strike “filing of” and insert “furnishing”.

Page 12, line 12, strike “filing a written notice of withdrawal with” and insert “furnishing a written notice of withdrawal to”.

Page 18, line 23, strike “file with” and insert “furnish to”.

Page 19, line 5, insert “STAFF’S” after “COMMISSION”.

Page 19, line 9, insert “staff” after “Commission”.

Page 19, line 15, insert “staff” after “Commission”.

Page 20, line 6, strike “180 days” and insert “360 days”.

Page 23, strike lines 3 through 6 and insert the following:

#### **SEC. 5. ANNUAL AND OTHER REPORTS.**

Section 17(a)(1) (15 U.S.C. 78q(a)(1)) is amended—

(1) by inserting “nationally recognized statistical rating organization,” after “registered transfer agent.”; and

(2) by adding at the end the following: “Any report a nationally recognized statistical rating organization may be required by Commission rules under this paragraph to make and disseminate to the Commission shall be deemed furnished to the Commission.”

The CHAIRMAN. Pursuant to House Resolution 906, the gentleman from

Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to H.R. 2990, the Credit Rating Agency Duopoly Relief Act. This amendment makes certain clarifying and technical changes to Mr. FITZPATRICK's rating agency reform legislation.

Specifically, the amendment clarifies that there is no private right of action for rating agencies registered as nationally recognized statistical rating organizations, or NRSROs, under the Securities Exchange Act of 1934. Neither is there an express or an implied private right of action with respect to rating agencies registered as NRSROs under the Securities Exchange Act. The Securities and Exchange Commission will retain its enforcement authority over registered rating agencies.

In addition, the amendment allots to the Securities and Exchange Commission an additional 6 months, for a total of 1 year, to review and, if necessary, revise its regulations that use the term "NRSRO." The additional time will allow the SEC and industry participants more time to properly assess regulations using the NRSRO technology.

This amendment also makes a number of technical amendments, clarifying definitions, findings and disclosure requirements.

I urge all Members to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN (Mr. SWEENEY). The gentleman is recognized for 5 minutes.

Mr. KANJORSKI. Mr. Chairman, I rise in order to express some thoughts on the amendment, but I do not intend to oppose the manager's amendment itself.

The manager's amendment, Mr. Chairman, makes a number of technical changes in the bill, improving its precision, fixing drafting errors and extending the implementation time frames. These changes are acceptable and appropriate.

The manager's amendment also makes a set of larger and more significant changes; namely, it alters the bill's wording in multiple places in an attempt to address recently raised concerns about the possible creation of explicit and implicit private rights of action under the bill.

Regardless of one's position on whether these changes are needed, and whether they accomplish their intended purposes, the fact is that these modifications are coming late in the legislative process and indicates that the legislation is not well thought out.

□ 1415

Moreover, this is precisely the type of issue on which getting the views of

the experts at the Securities and Exchange Commission would have been helpful and invaluable.

That said, Mr. Chairman, I do not intend to object to the manager's amendment.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KANJORSKI

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-550.

Mr. KANJORSKI. Mr. Chairman, I offer a substitute amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KANJORSKI:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This act may be cited as the "Credit Ratings Accountability and Transparency Act of 2006".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Credit rating agencies play an important role in the United States capital markets by opining on the creditworthiness of certain entities, securities, and money market instruments.

(2) Institutional and retail investors utilize ratings issued by credit rating agencies in connection with evaluating credit risk and making investment decisions.

(3) The Securities and Exchange Commission staff, through the no action letter process, has identified certain credit rating agencies as Nationally Recognized Statistical Rating Organizations or NRSROs.

(4) Many Federal and State regulators and legislatures require the use of NRSRO ratings in regulations and statutes, including those concerning capital requirements for regulated financial institutions and portfolio quality standards, to ensure the utilization of high quality ratings.

(5) The Commission staff's process for identifying NRSROs should be more transparent and efficient, while maintaining a high level of quality among NRSROs.

(6) Increased competition among credit rating agencies seeking to be identified as a NRSRO is desirable, so long as it is consistent with efforts to ensure high quality ratings.

#### SEC. 3. RULEMAKING ON NRSRO DEFINITION.

(a) NRSRO DEFINITION.—Within 60 days after the date of enactment of this Act, the Commission shall finalize its proposed rulemaking to define a NRSRO, published in the Federal Register on April 25, 2005 (70 Fed. Reg. 21306 et seq.).

(b) PUBLICATION OF GUIDELINES.—Within 180 days after the date of enactment of the Act, the Commission shall publish guidelines concerning the process by which Commission staff issues no-action letters regarding NRSROs, including guidelines concerning the staff's determinations in such no-action letters.

#### SEC. 4. SENSE OF CONGRESS ON NRSRO VOLUNTARY FRAMEWORK.

(a) FINDINGS.—Congress finds the following:

(1) The existing NRSROs in the United States have entered into discussions to improve current oversight of their activities via the adoption of a voluntary framework.

(2) These discussions have sought to apply the self-regulatory model approved by the International Organization of Securities Commissions (in this section referred to as "IOSCO") of which the Commission is a participant.

(3) The European Commission policy on credit rating agencies set out in December 2005 used compliance with the IOSCO code as a central component in ensuring the proper functioning of rating agencies in the capital markets.

(4) The Chairman of the Commission has testified before the Financial Services Committee of the House of Representatives that Commission staff are continuing to review drafts of a voluntary framework developed by the NRSROs and offer advice about its provisions and contents.

(5) The adoption of a voluntary framework by NRSROs in the United States based on the IOSCO self-regulatory model and paralleling the regulatory regime adopted by the European Commission would enhance market discipline, advance investor protection, and facilitate the harmonization of international standards in the area of credit ratings.

(b) SENSE OF CONGRESS.—In light of the findings set forth in subsection (a), it is the sense of the Congress that—

(1) all interested parties involved in establishing a voluntary framework for self-regulation in the United States, which is similar to the self-regulatory regime recently adopted by the European Commission that is based upon the IOSCO-approved code for overseeing credit rating agencies, should complete discussions and implement a self-regulatory model as soon as practicable;

(2) such voluntary framework should be developed in consultation with the Commission and include adoption of any and all rules, regulations, policies, and practices deemed necessary and appropriate for the protection of investors and in the public interest, including the disclosure of written policies and procedures of NRSROs in the United States designed to—

(A) address conflicts of interest relating to—

(i) relationships between NRSROs and rated entities;

(ii) relationships between NRSROs and underwriters; and

(iii) fee structures of the NRSROs;

(B) prevent the misuse of confidential information by a NRSRO or any person associated with a NRSRO;

(C) ensure compliance with all relevant Federal securities laws;

(D) ensure that each NRSRO is capable of issuing independent, predictive, consistent, and reliable ratings; and

(E) provide performance data, including default rates for its ratings, for the immediately preceding 4 years, or if in existence less than 4 years, for the life of the entity.

#### SEC. 5. ANNUAL TESTIMONY ON IMPROVING THE CREDIT RATING INDUSTRY.

The Chairperson of the Commission, or a designee of the Chairperson, shall annually provide oral testimony beginning in 2007, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives regarding efforts to improve the transparency and accountability of the credit rating industry, including—

(1) the designation of NRSROs;

(2) the status and the effectiveness of the voluntary framework described in section 4;

(3) the quality of ratings issued by NRSROs;



(4) the state of competition among NRSROs; and

(5) the appropriateness, need, and form of any potential legislation in the area of credit ratings.

#### SEC. 6. DEFINITIONS.

As used in this Act—

(1) the term “Commission” means the Securities and Exchange Commission; and

(2) the term “NRSRO” means a Nationally Recognized Statistical Rating Organization as determined by the Commission.

The Acting CHAIRMAN. Pursuant to House Resolution 906, the gentleman from Pennsylvania (Mr. KANJORSKI) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume.

While the supporters of H.R. 2990 have tinkered with and somewhat improved the bill since its introduction, the central provision of the legislation, in the words of the Consumer Federation of America, is “fatally flawed.” I am likewise very concerned that this bill sacrifices the quality of independent assessments of financial strength provided by the “nationally recognized” credit raters that help our capital markets remain vibrant.

As a result, I am offering a substitute. Unlike H.R. 2990, which creates an untested system for establishing nationally recognized agencies, this alternative expedites and builds upon existing regulatory, private sector, and international reform efforts.

The voluntary registration regime of H.R. 2990 will increase the number of nationally recognized agencies without assuring the credibility and reliability of the issued ratings. We must seek equilibrium, balancing the desire to increase the quantity of approved agencies with the need to ensure high-quality ratings. The substitute addresses this shortcoming.

Moreover, H.R. 2990 ignores ongoing reform efforts. The Securities and Exchange Commission has a rulemaking pending on these matters. Currently, approved raters are also developing a voluntary, robust self-regulatory regime based on the industry code established by the International Organization of Securities Commissions. Moreover, the European Commission recently relied on this global code to oversee its approved rating agencies.

Congress should build upon these domestic, private sector, and international reform efforts rather than creating chaos by forging a new regulatory plan. To ensure the advancement of good public policy in this area, we need to recognize the work of others. We also ought to provide for the continued legislative oversight of these matters and minimize unintended consequences.

Specifically, the substitute would require the commission to complete its definitional rulemaking on what constitutes an approved rating agency within 60 days of enactment. It would

also require the commission to establish public guidance about the process used to identify new, nationally recognized agencies within 180 days of enactment.

The substitute would additionally encourage participating parties to expedite and complete their discussions over the voluntary framework to improve market discipline and enhance rating quality. Finally, it would require annual hearings before the Financial Services Committee to explore the need for further action.

In short, the substitute establishes a globally consistent market-based approach. It protects the quality of ratings, enhances competition, and injects transparency into the process for determining nationally recognized agencies. It also promotes international harmonization; ensures that Congress stays focused on these matters; and gives the commission, which has the foremost expertise on these issues, a seat at the table in developing any future bill.

In Monday's Bond Buyer, the head of JPMorgan's rating advisory group opined that efforts related to the rule-making to defined approved rating agencies and to establish a voluntary framework consistent with global standards offers a “positive solution” to present concerns. We should heed his advice to balance quality and quantity concerns in order to ensure that investors benefit from the best thinking and the best opinions by passing this substitute.

In sum, Mr. Chairman, the substitute pursues a more prudent course that accelerates and adds to ongoing domestic, private sector, and international reform efforts instead of creating an untested system for establishing nationally recognized agencies. This alternative would also protect investors by ensuring high-quality ratings.

It is the better approach, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. BAKER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume.

I want to make clear that there is a difference of opinion as to the appropriate method to move forward and establish that the committee's work product is not frivolously or expeditiously constructed. The committee has worked many long hours and heard from many experts in the field as to the most sound recommendations that could be adopted to effect the changes both sides agree need to be made. In studying the gentleman's substitute, I think it is important to recognize, however, the consequences if the House were to adopt this specific recommendation.

The Kanjorski amendment would establish by sense of Congress that the

SEC should continue to negotiate with the NRSROs to form some sort of unidentified self-regulatory model. What has been suggested in the proposal is that offered by the International Organization of Securities Commissions, the acronym IOSCO. The IOSCO code provides for a rating agency disclosure regime, but those who have studied it who do not share its goals point out there is the lack of a meaningful enforcement provision that is so essential, we believe, that is contained in H.R. 2990. It is important that if we do identify conduct that is inappropriate financial behavior, violating one's fiduciary obligation, that the regulatory structure have a mechanism to take away the right to practice. H.R. 2990 would provide that certainty.

And, further, Mr. KANJORSKI's amendment requires the SEC to testify annually for a period of 5 years on the SEC's efforts to improve the transparency of the credit rating agency. Therein, I think, generally not giving much attention on the question of reporting by an agency represents the real thrust of the amendment. It is to continue the dialogue for another 5 years.

Well, we have identified the sufficient problems to bring to the Congress's concern. There is time for action. The time is now. And adoption of the Fitzpatrick recommendation, H.R. 2990, is essential and justified and, I think, essential and justified for us to act today.

Mr. Chairman, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Chairman, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise both as a Representative of North Dakota and also as a former State insurance regulator, a solvency regulator, to speak in favor of the substitute and against the underlying legislation.

Let me talk about the underlying legislation first. This essentially “go to a laissez-faire, let the market determine rating agency credibility” is a very different departure from the long-established course we have been on with national registered statistical rating agencies.

Just a little textbook lesson here: Transparency is generally regarded as essential to the free function of financial markets. But transparency depends upon the ability of those participating in the markets to know the credit worthiness of the players. These statistical rating agencies make an assessment of the credit worthiness of the players and put the information out so the market can employ it.

Now what they would do is move away from a guaranteed assessment of credibility by a national registry on these statistical rating agencies, and they would let you have this designation for an outfit that has been in existence 3 years, with no evaluation of the competence and the credibility underlying the assessments made by

these credit rating agencies. The result, of course, is predictable: widely different quality in the credit assessment brought forward by the rating agencies.

This is very bad business. Very bad business for virtually all involved. For the investors: Well, you want to make an investment, but they say the Humpy Dumpty rating agency gives this a triple star, grade A rating. Well, you don't really know a lot about Humpy Dumpty rating agency, but it sounds pretty good. They are one of these statistical rating agencies because they have been around 3 years, and you make your investment accordingly.

The competence of the Humpy Dumpty rating agency matters, which is why the present approach to the national registry matters. Deregulating it is bad for investors and people will lose money.

Now, if it is bad for investors, you might say, well, that must really be a boon, then, to companies that want to fleece investors by raising capital on noncredit-worthy enterprises. Not necessarily. I think this is bad for companies too. And let me tell you about an experience I encountered as an insurance commissioner.

We had standard rating agencies, and then there was a startup rating agency. It got a lot of press. Inevitably, they kept coming up with more alarming rating assessments of the insurance companies, and that got widely reported in the financial press because it was newsworthy. It was a bit of the "sky is falling" rating agency.

And yet here is how that rating agency made money: If you wanted to call in and get their rating of an insurance company, you had to pay them money to get that information. They made money for every call into their office. So they put out a fancy press release on an insurance company or on insurance company ratings at large, drum up free media coverage, get people calling in, and by the calls, make a lot of money. In the process, I believe they were often very unfair in their ratings and giving a falsely ominous impression of the solvency status of the insurance companies.

So this thing, while bad for investors, it may be bad for companies too because in this proliferation of unregulated rating agencies, you are going to have some rating agencies that just love to tell a terrible story, irrespective of whether it is fair or whether it is not.

So really disconnecting from the Securities and Exchange Commission and to have the majority in the House run this deregulation of rating agencies, ultimately so critical to the function of our financial markets, is, frankly, just a little nutty, not well founded, not well thought out; and it is an idea that ought to be cured by the passage of the substitute, which basically brings it back in line with the quality assurance of nationally registered statistical rating agencies.

I thank the gentleman for yielding.

Mr. BAKER. Mr. Chairman, I yield 3 minutes at this time to the primary sponsor of the legislation, Mr. FITZPATRICK.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, as the bill's sponsor, I rise in opposition to the substitute amendment offered.

It is vital that Congress bring competition, transparency, and accountability to the credit rating industry. And H.R. 2990 would accomplish just that. However, Congressman KANJORSKI's substitute amendment retains the anticompetitive status quo and provides no transparency and no accountability.

The subcommittee amendment offered today has three key components: It requires the SEC to complete its definitional rulemaking; it encourages completion of the voluntarily framework; and it calls for hearings on rating agencies before the Committee on Financial Services.

□ 1430

First, the SEC has never defined the term "NRSRO," and it has been over 30 years. I doubt that the SEC's illustrious track record on this issue deserves this much faith. H.R. 2990 replaces this vague and undefined system with a registration system and is consistent with the free market principles of our Federal securities laws. The substitute amendment makes no change to this ambiguous and anticompetitive system.

Second, a voluntary agreement offers no real accountability. The SEC cannot enforce violations of the voluntary agreement by rating agencies that sign it, let alone those agencies that are not signatories. H.R. 2990 holds credit rating firms accountable and requires adherence to the credit rating firm's stated methodologies.

Third, there already have been numerous hearings in the Financial Services Committee in the 108th and 109th Congresses. No less than five, dozens of witnesses have been called to testify before the committee, and close to 1,000 pages of recorded and transcribed testimony. The Financial Services Committee has been diligent in holding hearings on this important issue.

Mr. Chairman, in the wake of a seminal failure by S&P and Moody's in the Enron and WorldCom scandals, we must ensure integrity in the credit ratings process. This bill would inject greater competition, transparency and accountability in the credit rating industry. As a result, prices and anticompetitive practices will be reduced, credit ratings quality will improve, and firms will innovate.

Mr. Chairman, I strongly urge a "no" vote on the substitute amendment.

Mr. KANJORSKI. Mr. Chairman, may I inquire as to how many speakers are on the other side.

Mr. BAKER. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Pennsylvania (Mr. KAN-

JORSKI) has 1½ minutes remaining. The gentleman from Louisiana (Mr. BAKER) has 5½ minutes remaining.

Mr. BAKER. Mr. Chairman, we will have two.

Mr. KANJORSKI. Then I will reserve my time.

Mr. BAKER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCHENRY), a valuable member of the Financial Services Committee.

Mr. MCHENRY. Mr. Chairman, I first want to begin by thanking my colleague from Pennsylvania for offering this substitute. I think it is important that on large issues coming before Congress that both sides are heard.

We dealt with this issue in committee. This bill, sponsored by my colleague from Pennsylvania (Mr. FITZPATRICK) was voted out of committee by a voice vote, certainly not a very controversial piece of legislation. Mr. KANJORSKI's amendment, offered in the nature of a substitute as well in the committee, which is substantially the same as he is offering here today, was voted down. So we have already dealt with this and wrestled with this issue in committee.

I also want to talk about the substance of his amendment today. What it does is retain the status quo. In essence, the SEC has endorsed an anticompetitive model for credit rating agencies. There are two dominating credit rating agencies that control 80 percent of the marketplace, and this is because of SEC regulation.

What Mr. FITZPATRICK's bill does is enable the private sector to come forward and actually increase the number of credit rating agencies in the marketplace so investors can decide. So it is a free market piece of legislation.

What Mr. KANJORSKI's bill does is retain the status quo that is anticompetitive, and beyond that, it has no accountability. It is a voluntary regime which Mr. KANJORSKI endorses, without any real mechanism of enforcement, and beyond that, it codifies this chicken and egg problem within the credit rating agencies today.

You have to be a nationally recognized credit rating agency in order to be a national recognized credit agency. Now here is the deal. You can operate all you want and call yourself a nationally recognized credit rating agency, but unless you are recognized by the SEC you cannot operate.

So, therefore, you are codifying in law a very complicated procedure that the SEC has put in place. It says you cannot actually function in the marketplace without the SEC endorsing it, but in order to get the SEC to endorse you, you have to be in the marketplace and operating. So, in essence, we have a very complicated piece of procedure that the SEC's put in place that is anticompetitive.

Beyond that, Mr. Speaker, in conclusion, I would say that what the gentleman from Pennsylvania is offering in the nature of a substitute is a question of who, not what. This is truly

about politics today. I think it is a question of who is sponsoring the legislation, who is moving the legislation, not what the underlying legislation does.

I would ask my colleague to vote with us on final passage, to move forward past this substitute and let us do the business of the House and the business of the people and endorse a free market solution.

Mr. KANJORSKI. Mr. Chairman, I think I have the right to close, so I will reserve my time.

The Acting CHAIRMAN. The gentleman from Louisiana (Mr. BAKER) has the right to close.

Mr. KANJORSKI. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I listened to the last speaker with somewhat dismay. He tended to quote a lot of votes. Yes, there was a vote that passed this on from the committee to the floor, and after the preceding vote that was held by the committee on the substitute he failed to inform the House that there were 35 against the substitute, 31 in favor of the substitute. This did not come out of the committee without contention. It came out on the voice vote because we saw the count was 35–31. We did not call for a vote.

Secondly, the gentleman charges my suggestion of the substitute as a definition to define and maintain the status quo. Either he has not looked at the substitute or we define the status quo in different proportions because this substitute does several things.

First and foremost, it would require the Securities and Exchange Commission to complete its definitional making of what constitutes an approved rating agency within 60 days of enactment. That does not give them unlimited time to continue to pursue. Within 60 days they have to have the definition.

The second position, it would require the commission to establish public guidelines about the process used to identify new nationally recognized agencies within 180 days of enactment, within 6 months. That is hardly the status quo.

Then, finally, we would encourage continuation and participation of the parties to expedite and complete a voluntary framework to improve the discipline and enhance rating quality.

This substitute accomplishes several things, moves the process along but does not create an entire new entity and process which is contradictory to international agreements and other conditions held throughout the world.

I urge the adoption of the substitute.

Mr. BAKER. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, it is appropriate, I think, to perhaps review the subject matter at hand from a little higher altitude than the debate has taken us.

We have an obligation in this House to ensure that hardworking American families who invest their money in the markets can do so in the most safe and

sound manner possible. What we now know about the function of the credit rating agencies over the past decade is their performance has been less than what we should expect. In fact, days before corporate failures, they continued to report the highest investment grade analysis on many troubled companies. We know that we must act to ensure that pension fund investors, managers of perhaps rather large public schoolteacher or public employee investment funds have the best tools available to ensure that innocent third parties are not harmed by abhorrent actors in the capital markets.

I can assure my colleagues that this proposal moves us in an improved direction. Certainly, any legislation can be improved upon, but the bill we have before us is fully warranted, fully justified, and it is now timely for this House to act.

I commend Chairman OXLEY for his continued leadership in trying to bring out fiscal accountability in the capital markets. I commend Mr. FITZPATRICK for his hard work on this measure. But I ask this House to turn down the Kanjorski substitute and adopt H.R. 2990 as recommended by the Financial Services Committee.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 222, not voting 12, as follows:

[Roll No. 367]

#### AYES—198

Abercrombie	Conyers	Grijalva
Ackerman	Cooper	Gutierrez
Allen	Costa	Harman
Andrews	Costello	Hastings (FL)
Baca	Cramer	Herseth
Baird	Crowley	Higgins
Baldwin	Cuellar	Hinchey
Barrow	Cummings	Hinojosa
Bean	Davis (AL)	Holden
Becerra	Davis (CA)	Holt
Berkley	Davis (FL)	Honda
Berman	Davis (IL)	Hooley
Berry	Davis (TN)	Hoyer
Bishop (GA)	DeFazio	Inslee
Bishop (NY)	DeGette	Israel
Blumenauer	Delahunt	Jackson (IL)
Boren	DeLauro	Jackson-Lee
Boswell	Dicks	(TX)
Boucher	Dingell	Jefferson
Boyd	Doggett	Johnson, E. B.
Brady (PA)	Doyle	Jones (OH)
Brown (OH)	Edwards	Kanjorski
Brown, Corrine	Emanuel	Kaptur
Butterfield	Engel	Kennedy (RI)
Capps	Eshoo	Kildee
Capuano	Etheridge	Kilpatrick (MI)
Cardin	Farr	Kind
Cardoza	Fattah	Kucinich
Carnahan	Filner	Langevin
Carson	Ford	Lantos
Case	Frank (MA)	Larsen (WA)
Chandler	Gonzalez	Larson (CT)
Clay	Gordon	Lee
Cleaver	Green, Al	Levin
Clyburn	Green, Gene	Lewis (GA)

Lipinski	Obey	Sherman
Lofgren, Zoe	Olver	Skelton
Lowey	Ortiz	Smith (WA)
Lynch	Owens	Snyder
Maloney	Pallone	Solis
Markey	Pascarell	Spratt
Marshall	Pastor	Stark
Matheson	Payne	Strickland
Matsui	Pelosi	Stupak
McCarthy	Peterson (MN)	Tanner
McCollum (MN)	Pomeroy	Tauscher
McDermott	Price (NC)	Taylor (MS)
McGovern	Rahall	Thompson (CA)
McIntyre	Rangel	Thompson (MS)
McKinney	Reyes	Tierney
Meehan	Ross	Towns
Meek (FL)	Rothman	Udall (CO)
Meeks (NY)	Roybal-Allard	Udall (NM)
Melancon	Ruppersberger	Van Hollen
Michaud	Rush	Velázquez
Millender-	Ryan (OH)	Visclosky
McDonald	Sabo	Wasserman
Miller (NC)	Salazar	Schultz
Miller, George	Sánchez, Linda	
Mollohan	T.	Waters
Moore (KS)	Sanchez, Loretta	Watt
Moore (WI)	Sanders	Waxman
Moran (VA)	Schakowsky	Weiner
Murtha	Schiff	Wexler
Nadler	Schwartz (PA)	Woolsey
Napolitano	Scott (GA)	Wu
Neal (MA)	Scott (VA)	Wynn
Oberstar	Serrano	

#### NOES—222

Aderholt	Foley	Lucas
Akin	Forbes	Lungren, Daniel
Alexander	Fortenberry	E.
Bachus	Fossella	Mack
Baker	Fox	Manzullo
Barrett (SC)	Franks (AZ)	Marchant
Bartlett (MD)	Frelinghuysen	McCauley (TX)
Barton (TX)	Gallely	McCotter
Bass	Garrett (NJ)	McCrery
Beauprez	Gerlach	McHenry
Biggart	Gibbons	McHugh
Blibray	Gilchrest	McKeon
Bilirakis	Gillmor	McMorris
Bishop (UT)	Gingrey	Mica
Blackburn	Gohmert	Miller (FL)
Blunt	Goode	Miller (MI)
Boehlert	Goodlatte	Miller, Gary
Boehner	Granger	Moran (KS)
Bonilla	Graves	Murphy
Bonner	Green (WI)	Musgrave
Bono	Gutknecht	Myrick
Boozman	Hall	Neugebauer
Boustany	Harris	Ney
Bradley (NH)	Hart	Norwood
Brady (TX)	Hastings (WA)	Nunes
Brown (SC)	Hayes	Nussle
Brown-Waite,	Hayworth	Osborne
Ginny	Hefley	Otter
Burgess	Hensarling	Oxley
Burton (IN)	Herger	Paul
Buyer	Hobson	Pearce
Calvert	Hoekstra	Pence
Camp (MI)	Hostettler	Petri
Campbell (CA)	Hulshof	Pickering
Cannon	Hunter	Pitts
Cantor	Hyde	Poe
Capito	Inglis (SC)	Pombo
Carter	Issa	Porter
Castle	Istook	Price (GA)
Chabot	Jenkins	Pryce (OH)
Chocola	Jindal	Putnam
Coble	Johnson (CT)	Radanovich
Cole (OK)	Johnson (IL)	Ramstad
Conaway	Johnson, Sam	Regula
Crenshaw	Jones (NC)	Rehberg
Cubin	Keller	Reichert
Davis (KY)	Kelly	Renzi
Davis, Tom	Kennedy (MN)	Reynolds
Deal (GA)	King (IA)	Rogers (AL)
Dent	King (NY)	Rogers (KY)
Diaz-Balart, L.	Kingston	Rogers (MI)
Diaz-Balart, M.	Kirk	Rohrabacher
Doolittle	Kline	Royce
Drake	Knollenberg	Ryan (WI)
Dreier	Kolbe	Ryun (KS)
Duncan	Kuhl (NY)	Saxton
Ehlers	LaHood	Schmidt
Emerson	Latham	Schwarz (MI)
English (PA)	LaTourette	Sensenbrenner
Everett	Leach	Shadegg
Feeney	Lewis (CA)	Shaw
Ferguson	Lewis (KY)	Shays
Fitzpatrick (PA)	Linder	Sherwood
Flake	LoBiondo	Shimkus

Shuster	Taylor (NC)	Weldon (PA)
Simmons	Terry	Weller
Simpson	Thomas	Westmoreland
Smith (NJ)	Thornberry	Whitfield
Smith (TX)	Tiberi	Wicker
Sodrel	Turner	Wilson (NM)
Souder	Upton	Wilson (SC)
Stearns	Walden (OR)	Wolf
Sullivan	Walsh	Young (AK)
Sweeney	Wamp	Young (FL)
Tancred	Weldon (FL)	

## NOT VOTING—12

Culberson	Northup	Sessions
Davis, Jo Ann	Peterson (PA)	Slaughter
Evans	Platts	Tiahrt
McNulty	Ros-Lehtinen	Watson

□ 1503

Mr. CARTER and Mr. HEFLEY changed their vote from “aye” to “no.” So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. SWEENEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2990) to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, pursuant to House Resolution 906, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. OXLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2990 will be followed by a 5-minute vote on the motion to suspend the rules on H.R. 5646.

The vote was taken by electronic device, and there were—ayes 255, noes 166, not voting 11, as follows:

[Roll No. 368]

## AYES—255

Aderholt	Gallegly	Ney
Akin	Garrett (NJ)	Norwood
Alexander	Gerlach	Nunes
Allen	Gibbons	Nussle
Andrews	Gilchrest	Ortiz
Bachus	Gillmor	Osborne
Baker	Gingrey	Otter
Barrett (SC)	Gohmert	Oxley
Bartlett (MD)	Goode	Paul
Barton (TX)	Goodlatte	Pearce
Bass	Gordon	Pence
Bean	Granger	Peterson (MN)
Beauprez	Graves	Peterson (PA)
Biggert	Green (WI)	Petri
Bilbray	Green, Gene	Pickering
Bilirakis	Gutknecht	Pitts
Bishop (UT)	Hall	Poe
Blackburn	Harris	Pombo
Blunt	Hart	Porter
Boehlert	Hastings (WA)	Price (GA)
Boehner	Hayes	Pryce (OH)
Bonilla	Hayworth	Putnam
Bonner	Hefley	Radanovich
Bono	Hensarling	Ramstad
Boozman	Herger	Regula
Boren	Hinojosa	Rehberg
Boustany	Hobson	Reichert
Boyd	Hoekstra	Renzi
Bradley (NH)	Hostettler	Reyes
Brady (TX)	Hulshof	Reynolds
Brown (SC)	Hunter	Rogers (AL)
Brown-Waite,	Hyde	Rogers (KY)
Ginny	Inglis (SC)	Rogers (MI)
Burgess	Inslee	Rohrabacher
Burton (IN)	Issa	Royce
Butterfield	Istook	Ruppersberger
Buyer	Jenkins	Ryan (OH)
Calvert	Jindal	Ryan (WI)
Camp (MI)	Johnson (CT)	Ryun (KS)
Campbell (CA)	Johnson (IL)	Salazar
Cannon	Johnson, Sam	Saxton
Cantor	Jones (NC)	Schmidt
Capito	Keller	Schwarz (MI)
Cardoza	Kelly	Sensenbrenner
Carter	Kennedy (MN)	Shadegg
Case	King (IA)	Shaw
Castle	King (NY)	Shays
Chabot	Kingston	Sherwood
Chocola	Kirk	Shimkus
Coble	Kline	Shuster
Cole (OK)	Knollenberg	Simmons
Conaway	Kolbe	Simpson
Costa	Kuhl (NY)	Smith (NJ)
Cramer	LaHood	Smith (TX)
Crenshaw	Latham	Snyder
Cubin	LaTourette	Sodrel
Cuellar	Leach	Souder
Culberson	Lewis (CA)	Stearns
Davis (KY)	Lewis (KY)	Sullivan
Davis, Tom	Linder	Sweeney
Deal (GA)	LoBiondo	Tancred
Dent	Lucas	Tanner
Diaz-Balart, L.	Lungren, Daniel	Tauscher
Diaz-Balart, M.	E.	Taylor (NC)
Dicks	Mack	Terry
Doolittle	Manzullo	Thomas
Drake	Marchant	Thornberry
Dreier	Matheson	Tiberi
Duncan	McCaul (TX)	Turner
Edwards	McCotter	Upton
Ehlers	McCrery	Walden (OR)
Emerson	McHenry	Walsh
English (PA)	McHugh	Wamp
Everett	McIntyre	Weldon (FL)
Feeney	McKeon	Weldon (PA)
Ferguson	McMorris	Weller
Fitzpatrick (PA)	Mica	Westmoreland
Flake	Miller (FL)	Wexler
Foley	Miller (MI)	Whitfield
Forbes	Miller, Gary	Wicker
Ford	Moore (KS)	Wilson (NM)
Fortenberry	Moran (KS)	Wilson (SC)
Fossella	Murphy	Wolf
Fox	Musgrave	Young (AK)
Franks (AZ)	Myrick	Young (FL)
Frelinghuysen	Neugebauer	

## NOES—166

Abercrombie	Berman	Brown (OH)
Ackerman	Berry	Brown, Corrine
Baca	Bishop (GA)	Capps
Baird	Bishop (NY)	Capuano
Baldwin	Blumenauer	Cardin
Barrow	Boswell	Carnahan
Becerra	Boucher	Carson
Berkley	Brady (PA)	Chandler

Kaptur	Payne
Kennedy (RI)	Pelosi
Kildee	Pomeroy
Kilpatrick (MI)	Price (NC)
Kind	Rahall
Kucinich	Rangel
Langevin	Ross
Lantos	Rothman
Larsen (WA)	Roybal-Allard
Larson (CT)	Rush
Lee	Sabo
Levin	Sánchez, Linda
Lewis (GA)	T.
Lipinski	Sanchez, Loretta
Loftgren, Zoe	Sanders
Lowe	Schakowsky
Lynch	Schiff
Maloney	Schwartz (PA)
Markey	Scott (GA)
Marshall	Scott (VA)
Matsui	Serrano
McCarthy	Sherman
McCollum (MN)	Skelton
McDermott	Smith (WA)
McGovern	Solis
McKinney	Spratt
Meehan	Stark
Meek (FL)	Strickland
Meeks (NY)	Stupak
Melancon	Taylor (MS)
Michaud	Thompson (CA)
Millender-	Thompson (MS)
McDonald	Tierney
Miller (NC)	Towns
Miller, George	Udall (CO)
Mollohan	Udall (NM)
Moore (WI)	Van Hollen
Moran (VA)	Velázquez
Murtha	Visclosky
Nadler	Wasserman
Napolitano	Schultz
Neal (MA)	Waters
Oberstar	Watt
Obey	Waxman
Olver	Weiner
Owens	Woolsey
Pallone	Wu
Pascrell	Wynn
Pastor	

## NOT VOTING—11

Davis, Jo Ann	Northup	Slaughter
Evans	Platts	Tiahrt
Fattah	Ros-Lehtinen	Watson
McNulty	Sessions	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1521

Mr. COSTELLO, Ms. CORRINE BROWN of Florida, and Mr. MEEKS of New York changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## TO STUDY AND PROMOTE THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

The SPEAKER pro tempore (Mr. SWEENEY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5646, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 5646, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 11, as follows:

[Roll No. 369]

YEAS—417

Abercrombie	Davis (FL)	Israel
Ackerman	Davis (IL)	Issa
Aderholt	Davis (KY)	Istook
Akin	Davis (TN)	Jackson (IL)
Alexander	Davis, Tom	Jackson-Lee
Allen	Deal (GA)	(TX)
Andrews	DeFazio	Jefferson
Baca	DeGette	Jenkins
Bachus	DeLahunt	Jindal
Baird	DeLauro	Johnson (CT)
Baker	Dent	Johnson (IL)
Baldwin	Diaz-Balart, L.	Johnson, E. B.
Barrett (SC)	Diaz-Balart, M.	Johnson, Sam
Barrow	Dicks	Jones (OH)
Bartlett (MD)	Dingell	Kanjorski
Barton (TX)	Doggett	Kaptur
Bass	Doolittle	Keller
Bean	Doyle	Kelly
Beauprez	Drake	Kennedy (MN)
Becerra	Dreier	Kennedy (RI)
Berkley	Duncan	Kildee
Berman	Edwards	Kilpatrick (MI)
Berry	Ehlers	Kind
Biggert	Emanuel	King (IA)
Bilbray	Emerson	King (NY)
Bilirakis	Engel	Kingston
Bishop (GA)	English (PA)	Kirk
Bishop (NY)	Eshoo	Kline
Bishop (UT)	Etheridge	Knollenberg
Blackburn	Everett	Kolbe
Blumenauer	Farr	Kucinich
Blunt	Feeney	Kuhl (NY)
Boehlert	Ferguson	LaHood
Boehner	Filner	Langevin
Bonilla	Fitzpatrick (PA)	Lantos
Bonner	Foley	Larsen (WA)
Bono	Forbes	Larson (CT)
Boozman	Ford	Latham
Boren	Fortenberry	LaTourette
Boswell	Fossella	Leach
Boucher	Fox	Lee
Boustany	Frank (MA)	Levin
Boyd	Franks (AZ)	Lewis (CA)
Bradley (NH)	Frelinghuysen	Lewis (GA)
Brady (PA)	Gallegly	Lewis (KY)
Brady (TX)	Garrett (NJ)	Linder
Brown (OH)	Gerlach	Lipinski
Brown (SC)	Gibbons	LoBiondo
Brown, Corrine	Gilchrest	Lofgren, Zoe
Brown-Waite,	Gillmor	Lowey
Ginny	Gingrey	Lucas
Burgess	Gohmert	Lungren, Daniel
Burton (IN)	Gonzalez	E.
Butterfield	Goode	Lynch
Buyer	Goodlatte	Mack
Calvert	Gordon	Maloney
Camp (MI)	Granger	Manzullo
Campbell (CA)	Graves	Marchant
Cannon	Green (WI)	Markey
Cantor	Green, Al	Marshall
Capito	Green, Gene	Matheson
Capps	Grijalva	Matsui
Capuano	Gutierrez	McCarthy
Cardin	Gutknecht	McCauley (TX)
Cardoza	Hall	McCollum (MN)
Carnahan	Harman	McCotter
Carson	Harris	McCrery
Carter	Hart	McDermott
Case	Hastings (FL)	McGovern
Castle	Hastings (WA)	McHenry
Chabot	Hayes	McHugh
Chandler	Hayworth	McIntyre
Chocola	Hefley	McKeon
Clay	Hensarling	McKinney
Cleaver	Herger	McMorris
Clyburn	Herseth	Meehan
Coble	Higgins	Meek (FL)
Cole (OK)	Hinche	Meeks (NY)
Conaway	Hinojosa	Melancon
Conyers	Hobson	Mica
Cooper	Hoekstra	Michaud
Costa	Holden	Millender-
Costello	Holt	McDonald
Cramer	Honda	Miller (FL)
Crenshaw	Hooley	Miller (MI)
Crowley	Hostettler	Miller (NC)
Cubin	Hoyer	Miller, Gary
Cuellar	Hulshof	Miller, George
Culberson	Hunter	Mollohan
Cummings	Hyde	Moore (KS)
Davis (AL)	Inglis (SC)	Moore (WI)
Davis (CA)	Inslee	Moran (KS)

Moran (VA)	Reyes
Murphy	Reynolds
Murtha	Rogers (AL)
Musgrave	Rogers (KY)
Myrick	Rogers (MI)
Nadler	Rohrabacher
Napolitano	Ross
Neal (MA)	Rothman
Neugebauer	Roybal-Allard
Ney	Royce
Norwood	Ruppersberger
Nunes	Rush
Nussle	Ryan (OH)
Oberstar	Ryan (WI)
Obey	Ryun (KS)
Oliver	Sabo
Ortiz	Salazar
Osborne	Sánchez, Linda
Otter	T.
Owens	Sanchez, Loretta
Oxley	Saxton
Pallone	Schakowsky
Pascarell	Schiff
Pastor	Schmidt
Payne	Schwartz (PA)
Pearce	Schwarz (MI)
Pelosi	Scott (GA)
Pence	Scott (VA)
Peterson (MN)	Sensenbrenner
Peterson (PA)	Serrano
Petri	Shadegg
Pitts	Shaw
Platts	Shays
Poe	Sherman
Pombo	Sherwood
Pomeroy	Shimkus
Porter	Shuster
Price (GA)	Simmons
Price (NC)	Simpson
Pryce (OH)	Skelton
Putnam	Smith (NJ)
Radanovich	Smith (TX)
Rahall	Smith (WA)
Ramstad	Snyder
Rangel	Sodrel
Regula	Solis
Rehberg	Souder
Reichert	Spratt
Renzi	Stark

NAYS—4

Flake	Paul
Jones (NC)	Pickering

NOT VOTING—11

Davis, Jo Ann	Northup	Slaughter
Evans	Ros-Lehtinen	Tiahrt
Fattah	Sanders	Watson
McNulty	Sessions	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1530

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2990, CREDIT RATING AGENCY DUOPOLY RELIEF ACT OF 2006

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2990, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WE MUST DO BETTER FOR OUR SENIORS

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, the Government Accountability Office recently released a report showing that Medicare providers are failing our seniors when it comes to providing information about their prescription drug coverage. The GAO report says that the phone centers operated by private Medicare providers gave accurate and complete answers only one-third of the time when people called. On more than half of the calls, inaccurate or incomplete information was given, and in 15 percent of the calls, no information was given.

It is absolutely inexcusable that providers seem to be incapable or unwilling to provide beneficiaries with good information. Our seniors should not be treated like this. Medicare must guarantee that these providers give accurate and complete information.

But this also points out another problem. If Medicare providers do not yet understand these plans, how can our seniors? Congress must act to give seniors more time to sign up for a drug plan without the lifelong penalty they are now facing. Seniors should also be given a chance, if they have a plan that is not working for them, to immediately change that plan. We see there are many problems with this program. Seniors need to be given more time.

Mr. Speaker, we must do better for our seniors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JINDAL). The Chair will remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

# SILENT BACK DOOR OF ILLEGAL ENTRY—PUERTO RICO

Mr. POE. Mr. Speaker, I ask unanimous consent to take Mr. OSBORNE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, more news from the front: The border war continues. Our terrorist field hearings last week proved one thing: The vulnerabilities on our southern border are monumental. But it is not just our southern border coming under attack. It is Puerto Rico, that silent back door of illegal entry into America.

This is something that we should be concerned with. Border agents there report a staggering lack of security. In fact, you can count on one hand the number of field agents that they have in Puerto Rico on patrol at any given time. Only four active patrol agents patrol this island at once, and they only have 23 agents on the whole island assigned to patrol an island with 363 miles of coastline. These field agents find themselves isolated with these limited resources. Our government even cherry-picks border agents there to send them to other spots, like our southwestern border.

What could be more vulnerable than one agent patrolling 90 miles of coastline? Even the Blackhawk helicopters that they used to use are so broken down they don't even fly anymore.

While we watch the southern border, the human smugglers, narcotics traffickers; and terrorists are not only watching our southern border, they are watching Puerto Rico, knowing it is an easy, back door gateway to America.

With rumors of amnesty spreading throughout the world, especially Latin America and Asia, human smugglers are seizing the moment, causing crime and violence at the borders to skyrocket.

This year Federal immigration officials say the waters off of Puerto Rico are filled with more human cargo than they have ever seen before. The tiny island just off Puerto Rico's coast, Mona Island, is a jumping-off spot for people who wish to illegally enter America.

Last year, it was the site of more than 6,500 arrests of illegals traveling on rickety wooden boats called yolas. They storm Puerto Rico's beaches as if they were troops landing at Normandy or the Marines in World War II as they island-hopped in the Pacific.

Out of 10 illegals that are crammed on one of these boats, border agents say they are lucky if they are able to capture two of them. And the smugglers who arrange these deadly and illegal invasions into Puerto Rico have seen a spike in their business.

In 2001, for example, less than five Cubans were captured on Mona Island illegally entering the United States. But in the past 9 months, almost 600 have arrived; and they pay between \$1,500 and \$2,000 apiece to their human

smugglers, and the human smugglers have yet to be prosecuted. It is so lucrative smuggling humans in the United States that it pays even more than trafficking drugs.

But the most dangerous cargo are possible terrorists from Middle Eastern countries, China and Korea, that are easily masked by the thousands who rush the border monthly, thousands who rush the beaches; and Puerto Rico's leaders are worried that the island's drug traffickers could collaborate with terrorist organizations. Because, you see, once people get to Puerto Rico, they are home free to the rest of America if they do not stay in the Puerto Rico vicinity. They could stay there and destroy vital infrastructure that we have in Puerto Rico. For example, one of the two insulin plants that exist in the whole world is in Puerto Rico.

And, of course, Puerto Rico is unique because it has a cruise business. We don't have much of a cruise business down on the Texas-Mexico border with the Rio Grande River, but they certainly have a cruise business in Puerto Rico. It makes a unique security problem for the United States, so we certainly need to beef up border security in this area.

Once in Puerto Rico, illegal immigrants easily obtain false identification like birth certificates and driver's licenses. They fraudulently claim on these birth certificates and driver's licenses that they are U.S. citizens. So once they have convinced individuals at the border they are U.S. citizens, they easily assimilate into America. One official says getting a fake document in Puerto Rico is like getting a candy out of a candy jar.

And airport security is not an obstacle either. At the airport on the northwest portion of the island, the 4:00 a.m. flight to the mainland of the United States, it is always full of people, but the Border Patrol is never there because they don't have enough agents to cover that portion and time zone.

Mr. Speaker, Puerto Rico is an important part of America. It enjoys a unique relationship with the continental United States. It is part of America's homeland, and it is worth protecting from the sea of invasion by illegals.

It is important that we have more border agents in Puerto Rico, and Puerto Rico needs the services of the U.S. Coast Guard. It cannot become the silent back door of illegal entry into the United States. It is a homeland security problem, it is a border security problem, and it is a national security problem.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

# IRAQ OCCUPATION

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim Mr. BROWN's time.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. McDERMOTT. Mr. Speaker, the bodies of 20 kidnapped and murdered bus drivers were found in Iraq today. That occurred just before a suicide bomber walked into a Baghdad restaurant and blew himself up, killing seven people.

Then Secretary of Defense Don Rumsfeld arrived on an unannounced visit and said: "Each time I come to Iraq, I see progress." That is a direct quote from the UPI.

Iraq is convulsed by sectarian violence. It is a nation disintegrating into homicidal chaos. It is a killing zone where Iraqi citizens purchase fake documents in hopes of staying alive if confronted by militias. It is a place where the killing has moved from the streets to inside the homes of Iraqi citizens. It is a country whose leaders acknowledge it is on the brink of all-out civil war, and the President's secretary of war, the man controlling the fate of 129,000 U.S. soldiers in Iraq stands up and flat out misleads the troops who don't get to go home to the United States at the end of the day like Mr. Rumsfeld does.

America's independent government watchdog agency, the Government Accountability Office, just released a report that confirmed what everyone except the President and his political appointees already know: There is no adequate plan to stabilize Iraq, and the occupation by U.S. forces is fueling the sectarian violence.

Rumsfeld can claim things are getting better to reporters while standing inside a fortified U.S. base, but that flies in the face of the facts. U.S. troop strength in Baghdad has been increased from 40,000 to 55,000 people. The Los Angeles Times reported on Sunday about rampant corruption inside the Iraqi security forces, including direct ties to the insurgents.

Our soldiers are becoming surrounded by a growing insurgency, and the civilian leader says things are getting better.

Secretary Rumsfeld was going to meet with Iraqi government leaders to tell them how to deal with the crisis. He told reporters he was going to tell the Iraqi leaders to do this: "They are going to have to persuade as many people as possible that it is in their interest to support the government and participate in the political process." He went on to say, "And anyone who doesn't want to, they're going to have to go find and do something about."

He neglected to say that plan was tried and failed last month. It was called Operation Forward Together, and it didn't work. How could it?

The presence of an occupying force is fueling the violence. And despite the



fact there are 267,000 Iraqi security forces, the American people are told repeatedly that they cannot defend Iraq on their own.

Three years later, the only plan the President and the secretary of war can articulate is to "stay indefinitely." Our military generals know full well this so-called plan guarantees more needless U.S. casualties, and Iraqi leaders know it guarantees more sectarian violence.

In the past, I and others have called for the resignation of the Defense Secretary, Mr. Rumsfeld. Today, I offer a better plan. The President should keep his political appointee. In fact, the President should transfer Secretary Rumsfeld to Iraq. He should be stationed there until every last U.S. soldier leaves the Nation we are now occupying.

□ 1545

The Secretary says he sees progress every time he visits. Imagine what he might see by actually living and working there.

There is no higher priority for the President, the U.S. military and America these days than Iraq. It stands to reason that the President's military appointee should be directly able to report for duty in Baghdad. Rumsfeld could personally work with the leaders of the Iraq government and show them how to implement his plan. By working in Iraq, the Secretary could accept direct responsibility for generating more of what he calls progress every time he visits Iraq. He could show America and the rest of the world the progress that only he and the President pretend to see.

The only true thing we can say about Iraq today is that it is on the brink of dissolving into unspeakable violence.

We cannot pretend our way out of Iraq, and we cannot pretend that the Iraqi people believe that our presence is stabilizing the country.

Iraq needs a plan that does not include the occupation of that country by foreign soldiers, including U.S. soldiers. Until this administration admits that it cannot shoot its way to victory, Iraq will grow more and more violent.

If Defense Secretary Rumsfeld was stationed there, America might finally get an honest assessment of the war and a road map to peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

(Mr. McHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING "DOC" LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor Mr. William Henry "Doc"

Long, a decorated World War II veteran and a successful businessman. He has dedicated his life to serving his country, his community and his family, and that is why I honor him today.

Long before Doc owned many successful family businesses in North Carolina, he served in the highly decorated 79th Infantry Division in the U.S. Army. Every living American directly benefits from the actions of the men of the 79th, and the many military units of the World War II era.

While in France, Doc was wounded when he was hit in the left side of his chest. As he lay in the cold night for 18 hours, he was wounded again. When he was found the next morning and taken to the aid station, his clothes and shoes had been cut off. But his personal belongings, just a wallet and a small pocket New Testament with his name inscribed on the front, were saved.

After a few days, Doc noticed that his Bible, which was given to him by his aunt, had been hit by a piece of shrapnel which went through the entire Bible but caught the outer binding. Doc stated that the Bible, which he kept close to his heart, was a gift of life because it prevented the shrapnel from piercing his heart.

After he was wounded Doc was awarded the Purple Heart with the Oak Leaf Cluster, in addition to numerous other medals, including the Bronze Star, European-African-Middle Eastern Campaign Medal, Good Conduct Medal, American Campaign Medal, World War II Victory Medal, and the Combat Infantryman Badge.

After the war, Doc started his first trucking and construction business, Long Brothers of Summerfield, with his brother James. In 1952 the brothers started Long's Asphalt Paving of Greensboro. Later Doc and his brother split the companies. Since then, Doc's children have joined their father in his business and, with Doc's help, have owned or started their own businesses.

Doc and his late wife, Doris Westmoreland Long, were married for 44 years. Doris died in 1990, at the age of 66. Together the Longs have three children, Gurney Long, Patty Long-Hill and Charles, who passed away unexpectedly last year. They also have a number of grandchildren and great-grandchildren.

Today, at 82, Doc still loves to participate in the business decisions and operations of his founding companies. In 2003, Doc helped two of his grandchildren start a business, and they proudly adopted his original company name, Long Brothers. This company is now located in Winston-Salem, where they successfully operate 20 trucks and employ 23 full-time employees. These endeavors are commendable because only 3 percent of family-owned businesses ever make it to the third generation.

I ask my colleagues to join me in honoring Doc for his devotion to his family, his perseverance in all his business ventures and his honest and faith-

ful service to his country during World War II. His story should be an inspiration for us all.

#### CLOSING OF CIA'S BIN LADEN UNIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the more President Bush entangles this country of ours in the Iraq occupation, the less committed it seems he is to the real national security threat we face, global terrorism, al Qaeda and Osama bin Laden.

Over the holiday weekend, when few people were paying attention, it was reported that the CIA has closed down "Alec Station," its special unit that was charged specifically with tracking down and capturing Bin Laden.

We've sure come a long way since the immediate aftermath of 9/11, when the President promised to get him, dead or alive. So much for Sheriff Bush. The tabloids are doing a better job of hunting down Tom Cruise's baby than this administration is at finding bin Laden. But this latest decision is of a piece with the Bush approach to bin Laden.

In the fall of 2001, he had bin Laden cornered at Tora Bora, but the President let him get away by relying on local warlords rather than moving American troops in to finish the job.

And a few months later, at a White House press conference, the President's cavalier approach to bin Laden was on full display. "I don't know where he is," the President said. "I just don't spend that much time on him. I truly am not concerned about him."

Well, 300 million other Americans are concerned, and they want to know why we can spend hundreds of billions of dollars to occupy and foment civil war in Iraq, but we can't maintain a single intelligence operation office devoted to apprehending the man responsible for the murder of thousands of Americans. And this from a President who has never missed an opportunity to wave the flag of 9/11, to exploit that tragedy in order to score political points and justify the reckless use of American power in Iraq.

The evidence is clear. This President is not serious about fighting terrorism. If he were, he wouldn't have diverted energy and resources away from the struggle in order to chase this white whale in Iraq.

Saddam Hussein, as we know by now, was not an ally of bin Laden's and was not a threat to U.S. security. But by invading Iraq, President Bush has turned that devastated country into a jihadist breeding ground and made all of us less safe. The Iraq war has created terrorists rather than stopping them.

There is only one answer. It is time to bring the troops home and end the occupation of Iraq. Then we can redirect our resources, military and otherwise, toward finding bin Laden and

pursuing a true counterterrorism strategy, a counterterrorism strategy that instead of invading countries willy-nilly, makes use of multilateral partnerships and strong intelligence capabilities.

That, in addition to toppling the Taliban, would be the proper way to respond to 9/11. That would be the right strategy to meet the national security challenge of our time.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. First of all, Mr. Speaker, I want to thank Congressman BENNIE THOMPSON for his hard work on the Homeland Security Committee and for working with the Transportation Committee in developing very important and long overdue rail and transit security legislation.

Yesterday, in India, bomb blasts ripped through their commuter rail network, killing 142 people and injuring over 350. This is a terrible tragedy and again raises the serious question as to whether we are prepared in this country for a similar attack. Sadly, the answer is no. No.

When it comes to rail and transit security in this country, this administration, the Bush administration, and this Congress deserve an F for failing to develop a plan to protect our daily transit and rail commuters from harm.

It has been over 2 years since the train bombing in Madrid, 3/11/04, and just last week the 1-year anniversary of the transit bombing in London. Yet the Bush administration has done nothing to protect this Nation's freight and transit rail system and its millions of passengers.

We spend over \$1 billion a week in Iraq. Let me repeat that. We are spending over \$1 billion a week in Iraq. We are spending over \$1 billion a week in Iraq, and yet the Bush administration can only come up with a measly \$136 million to protect this Nation's rail and transit system for an entire year. That is pathetic. But that is the kind of fuzzy math that this administration is famous for, and it needs to stop before American citizens pay the price for this stupidity.

We can't keep treating our rail infrastructure as second class citizens. We have dedicated billions of dollars to the airline industry and created a grants program for the ports. But we have done little to invest in the security upgrade of our rail infrastructure needs.

Fortunately for the traveling public, the legislation introduced by Congressman THOMPSON and myself and other Democratic Members require comprehensive security plans. And let me just say, security should not be a Democratic issue or a Republican issue. It should be an American issue. Clear up the red tape. Improve training and exercise programs, improve communications and intelligence, share authority and \$400 million in security improvement grants per year and add \$26 million for additional rail inspectors.

Most important, it will help make sure our community, our first responders and our rail workers are safe. These are the concerns I hear over and over again as ranking member of the Railroad Subcommittee. And I believe that this legislation takes the necessary steps to create a rail security program that protects passengers and keeps the trains running on time. The millions of Americans who use trains and transit for travel each year deserve no less.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, last week marked the first anniversary of the London subway and bus bombing, which killed 56 people and injured more than 700 others.

Yesterday, we were reminded again of the terrorist threat to rail and public transportation systems when terrorists attacked trains in Mumbai, India, killing over 100 and injuring far more.

The victims of these attacks were ordinary people, not that different from many Americans who are going about their usual routine of commuting to work, school or terrorist sites.

After the London bombing, Congress called on the administration to move quickly to reinforce our Nation's rail and public transportation systems to prevent such an attack from happening on American soil. Just last month, we learned that this threat is real when it announced that al Qaeda had planned to attack New York subways using poisonous gas.

Yet, nearly a year after the London attacks, Mr. Speaker, the Bush administration has failed to produce a comprehensive strategy to secure America's rail and mass transit systems.

The administration also continues to focus almost exclusively on aviation security, spending \$9 per air passenger, compared to only one penny per rail and public transportation passenger.

The administration has also failed to ensure the front line employees of rail and public transportation systems are trained on how to prevent, prepare for and respond to a terrorist event.

Finally, Mr. Speaker, the administration has failed to devote significant resources to rail and mass transit research and development.

□ 1600

Yet we all know that the only way we can truly secure subways and buses, which carry millions more passengers than airplanes, is through new technologies.

To close these security gaps, last month Congresswoman BROWN, myself, and other Democrats introduced the Rail and Public Transportation Security Act of 2006. This bill will require the Department of Homeland Security to secure rail and public transportation systems using many of the same tools it is already using to secure ports.

First, this bill requires a National Rail and Public Transportation Security Plan. Second, the bill requires rail and public transportation systems to submit vulnerability assessments and security plans for approval. Third, the bill requires rail and public transportation systems to train their employees on how to prevent, prepare for, and respond to terrorist attacks. Finally, the bill provides the resources and manpower needed to truly increase security.

First of all, we plan to provide \$400 million in authorized expenditures for a grant program dedicated to rail and public transportation security. Secondly, we authorize \$150 million over the next 3 years for advanced research and development to uncover new solutions to the security threats faced by rail and public transportation systems. Finally, Mr. Speaker, \$26.4 million per year is authorized over the next 6 years to hire 1,200 new rail security inspectors. For the record, there are only 100 rail inspectors in the country as we speak.

This Democratic bill provides genuine solutions to the security threats faced by rail and public transportation systems here in America. I urge my fellow Members on both sides of the aisle to support it.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9, FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109-554) on the resolution (H. Res. 910) providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

### IRAQ

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that I be allowed to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. LYNCH. Mr. Speaker, lately it seems that the national debate over the next move in Iraq has become bogged down in a way that really reflects the military struggle itself. The administration has dug in, believing that simply staying the course, we can simply outlast the military insurgency.

Conversely, there are some in my party who, angered understandably by war under false pretenses, are seeking a pell-mell evacuation complete with a publicly announced evacuation date, which I think makes the withdrawal of 136,000 troops more dangerous and more difficult.

But, Mr. Speaker, drawing upon the lessons of history, I would like to propose a third way: creating a mechanism to more effectively empower the new elected Iraqi Government, which will allow for a gradual but permanent U.S. troop reduction.

Mr. Speaker, I would like to take a moment to talk about a process that we went through in my office after five visits to Iraq to try to find a model that would allow us to shift the governmental operations in Iraq away from the U.S. military and to their new government. And the example that we came up with, that has been used by this government in the past, is actually the model that was developed during the Second World War.

In 1944, after driving Japanese forces from the Philippines with the help of the Filipino resistance, the United States military, like today in Iraq, found itself in complete control of the Philippines, over 7,000 islands. It found itself in complete control of the basic services that government would provide in the Philippines. And because of the recent occupation by Japanese forces, there was no incumbent government in the Philippines that could take the responsibilities for these government operations.

So, by default, the U.S. military took over these government operations; and while U.S. policy at the time strongly supported Filipino independence, the military had no choice but to temporarily exercise control under the fragile circumstances.

Clearly, that situation could not endure indefinitely. And what Congress did next, in 1944, under the tutelage of John W. McCormack and the Franklin

Delano Roosevelt administration, and later the Truman administration supported, was instructive and I think worth repeating.

In 1944, this Congress passed and the President signed the Filipino Rehabilitation Act, which created a national commission comprised of three appointees each from the White House, the Senate, and the House, and their mission was to plan and coordinate and oversee the transition of government operations away from the U.S. military and over to the newly forming Filipino government.

Of course, there are certain arguable differences between the situation in the Philippines in 1944 and Iraq in 2006. However, after my five visits to Iraq and dozens of meetings with General George Casey and top generals in his office and in the field, as well as Iraqi President Jalal Talabani and members of the Iraqi Council of Representatives, I believe the critical weakness in our current strategy is this persistent inability to empower the new Iraqi Government.

With this in mind, I recently introduced the Iraq Transition Act of 2006, H.R. 5716, drawing from the Philippines model. And I give credit to those in 1944 who devised this. This is not original thought; this is borrowed from their example.

I have proposed the establishment of a national bipartisan commission comprised of appointees, again from the White House, the Senate, and this House, whose specific and targeted purpose would be to help facilitate the orderly, deliberate, and expeditious transition from U.S. military control to Iraqi civilian control of operations of government in Iraq. It is important to remember that the transition to civilian control in Iraq is a political process, and while I have many times witnessed the excellence with which our military has performed in Iraq, I also believe it is a strategic disservice to the military for us to add political reconciliation to the massive burdens of security and reconstruction that they are now shouldering.

Simply put, the newly created Commission on Iraqi Transition would be held directly responsible for working with the military leadership and the Department of State to accomplish the transition to Iraqi civilian control of government operations in Iraq and to regularly report its progress to the Congress, the President, and the American people.

While this approach may not satisfy the "stay the course" advocates or those who would prefer to announce a specific date for withdrawal, I believe it offers a responsible and workable plan for two important reasons.

In closing, firstly, this bill introduces a level of direct accountability to the political transition process that does not now exist and has made measuring progress extremely difficult. And secondly and lastly, it has precedent and success to support it and offers the best

opportunity for the earliest withdrawal of U.S. forces, while leaving the Iraqi people with the greatest chance for preserving their newly found democracy.

I look forward to working with my colleagues.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

### TRADE BALANCING ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, newspapers across the world today carry the story that China has hit a new record in terms of its exports to countries like the United States. Surges in exports all over the world demonstrate that since last year, the Chinese have actually increased their exports by over 25 percent, and since the beginning of this year by 55 percent.

Truly, this Nation is the dump market of the world. We are absorbing everybody else's imports, and nations like China are not taking as many exports as they could from us in order that we have a balanced trade account. Newspapers like the Toronto Star indicate that this new record surpasses the record that was set last month in May.

As you think about the outsourcing of jobs in the United States of America, going to Mexico, going to China, it is very interesting that the United States is cashing itself out in order to float its currency and its borrowings during this period of time when the Bush administration and its allies here in the Congress are driving us into deeper and deeper debt, more and more borrowing. This is a reciprocal of that kind of phony economy here at home.

In China, even the Chinese admit that that country needs to rely more on domestic demand, selling things inside their own country rather than exporting everything to the United States. And if China's industrial boom, and they grew about 10 percent since the beginning of this year, is to be sustained, they have to start selling to their own people.

Years ago, they said the answer to the trade issues with the Asian countries, the Asian tigers, is to manipulate the currency rate. So you hear a lot of discussion in this country about the Treasury trying to rig the relationship between the yuan in China and the U.S. dollar. But the facts are that the United States is in a huge trade deficit with almost every other industrial country in the world, and we are having to borrow in order to float the borrowings that we are doing on the trade accounts in order to sustain the hollowing out of our economy.

Recently Maytag announced its closure in the State of Iowa. All the way back to when Goodyear first closed in Los Angeles, we have a reborn steel industry. Our steel industry was killed back in the 1980s, but guess what. It has been reborn all through foreign ownership. We don't even own it anymore.

Won't the American people recognize what is happening to the real wealth creation of this country?

I do not want America to be owned by transnational corporations that have no loyalty to the United States of America and the values for which we stand.

This is the latest example of why we never should have had permanent normal trade relations passed with China, because it only digs us deeper and deeper and deeper into debt. Our people do not have good middle-class jobs. They cannot hang on to their pensions. Their health benefits increase in cost. And we literally are making our children, as graduates of the colleges across this country, debtors, because we cannot even pay the educational bills of the next generation. What a sorry state to begin this new millennium and this 21st century here in the United States of America.

I am deeply distraught by these latest numbers from China, and surely, at a minimum, Members of Congress should sponsor my Trade Balancing Act of 2006, which basically says to any Presidential administration, if we have more than \$10 billion of debt in trade with any nation in the world, we ought to go back and figure out why we do and then renegotiate those trade agreements.

We cannot depend on fiddling around with currency manipulation because they told us if we did that with Japan back in the 1980s, our accounts would just look terrific. If the dollar and the yen came into balance, the trade accounts would heal. But guess what. They never did because you know why? Japan never opened its market to our goods. And neither will China. So you have to deal with the Asian tigers in a different way.

Surely, surely this should be a wake-up call to the American people. Surely, surely this should be a wake-up call to the Members of this Congress who could change the trade laws of this country in order to create a balanced trading environment, a level playing field where our businesses, where our workers, where our communities have a chance to compete again.

Mr. Speaker, I will include in the RECORD this article from the Toronto Star, the title of which is "China's Trade Surplus Hits New High."

And I would have to say as it hits a new high, America's economy hits a new low here at home.

[From the Toronto Star, July 11, 2006]

CHINA'S TRADE SURPLUS HITS NEW HIGH  
(By Elaine Kurtenbach)

SHANGHAI—Month after month, China's export-driven economy pushes its trade surplus with the rest of the world to new heights.

June was no exception. Yesterday, China reported that its global trade surplus rose to a record monthly high of \$14.5 billion (U.S.), after a record \$13 billion surplus in May.

The data from China's Commerce Ministry is sure to raise the likelihood of more tension over Beijing's currency controls, especially with the U.S., which is one of China's \$202 billion in 2005, has fanned antagonism over the persistent imbalance between the two countries. That figure is bigger than China's global trade gap because China has trade deficits with some nations.

June's increase raised the trade surplus for the first half of the year to \$61.5 billion, a 55 per cent jump over last year's first-half surplus of \$39.7 billion.

The surge in exports also has worried China's economic planners, who say the country needs to rely more on domestic demand than on exports and investment to fuel growth if its industrial boom is to be sustained.

The economy grew at an annual rate of 10.3 per cent in the first quarter of the year. First-half figures have yet to be released but state media reports, citing authoritative government officials, have said it likely would remain at about 10 per cent.

But he added "these numbers suggest that the PBOC is fighting back effectively."

The latest trade figures were likely to ratchet up complaints over China's currency controls, which its trading partners say keep the value of the yuan artificially low, making the country's exports cheap in overseas markets.

China still limits daily movement in the yuan's value to just 0.3 per cent above and below its daily official rate. Chinese officials have pledged to make trading more flexible, but have shied away from setting a timetable.

In the meantime, the yuan has risen about 1.5 per cent since it was revalued by 2.1 per cent against the dollar to 8.11 yuan per dollar.

#### THE FEDERAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, with very much fanfare yesterday, the President held a press conference to claim vindication for his economic stewardship and his fiscal policies. He announced, and I just now calmed down, that the United States Government would only have a \$3 billion Federal deficit for the fiscal year 2006.

□ 1615

By this administration's standards, this qualifies as a monumental achievement? \$300 billion deficit and the President wanted applause for what he had done because after creating the three largest deficits in history, you are making progress if you do not set any standards or any records.

This time it is only the fourth largest deficit ever in the United States. In the Nation's capital, the President's budget is becoming known as the "World of Diminished Expectations." Let us go back a little.

In 2001, President Bush inherited a surplus of \$284 billion, and it was predicted by the year 2006 we would have a surplus of \$516 billion, and they are only off by \$800 billion. By Washing-

ton's standards, that is just a rounding error. So it makes sense to put away the champagne glasses for a while.

In addition to celebrating the fourth highest deficit ever, the President touted the significance of his tax increases. What he did not know is, in his administration, we have added \$3 trillion to the Nation's debt, \$3 trillion in 5 years, the largest increase in the Nation's debt in the shortest period of time ever in American history, \$3 trillion, and on the present course, with Iraq spending and spending by the Federal Government and the revenue structure, we are on course to add another \$1 trillion in 5 years.

Now, here is what Greg Mankiw, the President's former Chief Economic Adviser, said about the President's claim that his tax cuts can be paid for and actually help on the economy: "There is no credible evidence" that "tax revenues rise in the face of lower tax rates." That is the President's own economic adviser. He went on to compare an economist who says that tax cuts can pay for themselves to a "snake oil salesman trying to sell a miracle cure."

The Economist magazine recently wrote, "Even by the standards of political boosterism, this is extraordinary. No serious economist believes President Bush's tax cuts will pay for themselves."

Not only have they not paid for themselves, they have left a huge burden on the middle class families and their children for generations to come to pay for.

Let us look at what is also happening in the President's economic stewardship.

In July of 2001, 5 years ago, under President Bush gas was \$1.33 a gallon. Today, in Chicago, my district, it is \$3.40. It has more than doubled. Health care costs have gone up 73 percent in premiums to \$11,000 a year for a family of four. College costs for a 4-year college education at a public school is up 38 percent. And incomes, the median income in this country has declined 2.3 percent.

So while college costs have gone up, energy costs have gone up, health care costs have gone up, the savings rates in this country are down in negative territory for the first time since World War II. Median incomes are flat, and the President wants your applause for a \$300 billion deficit because it is so good.

So while the prices have spiraled out of control for middle class families and the standard of living is coming under increasing pressure from the global economy, energy costs, health care costs, college costs, savings rates, incomes have not gone up, in fact they are flat to declining. The American people need a raise. It is that simple.

Now, the well-to-do are doing well. It is time we make sure that this government is working on behalf of the American people, not the American people working on behalf of their government.

We do not have to go back so far as to remind people what happened in the past when we had an economic strategy that put our fiscal house in order and invested in the education, health care and energy independence of this country. We created 22 million jobs in the 1990s, record unemployment. We had low inflation, below 2 percent, a balanced budget and a surplus 3 years in a row, and we began to pay down the debt. Welfare rolls declined. Poverty went down. Children's health care coverage went up. All the while we also provided the middle class a tax cut so they could send their kids to college known as a HOPE scholarship and the lifetime earning credit. Anytime you want to go back to college, you got a tax cut to do so. So you had the skills and the capability to do what you needed to do to compete in a global economy.

That is when your government is putting its fiscal house in order, being responsible for your dollars and investing in education and health care independence. It is time for new economic priorities. It is time for a change. It is time to put the government back on the side of the American people.

#### FAILED FISCAL POLICY OF THE BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Well, following up on the theme of the failed fiscal policy of the Bush administration, I would like to emphasize two points made by my colleague.

The President's bragging on a \$300 billion deficit. That means the government's borrowing about \$800 million a day, \$800 million a day to run the government, and they are handing the bill to future generations. He is bragging on that as great achievement, but that is not the whole story. He is also borrowing \$182 billion from the Social Security surplus this year. So he is also borrowing from present and future generations. The total borrowing by the Federal Government this year will be \$482 billion, and the President's bragging on it, and that means we are borrowing \$1.3 billion a day to run the government, borrowing against the future, sending the bill to working Americans because we do not want to tax the rich people anymore, and the corporations are moving offshore to avoid taxes.

It is an extraordinarily fiscally irresponsible position for this government, and it is just part of the many failures of this administration, but I am going to talk about another failure today, one where the President has said we are also setting new records, trade policy.

America, month after month after month, is running larger and larger trade deficits. We are hemorrhaging jobs overseas to countries that exploit

labor, countries like China where people work for 25 cents an hour they are so desperate, where they are not allowed to form labor unions, where U.S. capital is feeding their technological investment from corporations who are moving away from our country but want to sell their goods here.

Our trade deficit with China was \$17.7 billion last month. One month, we borrowed \$500 million a day from China to buy stuff from them that we used to make here in the United States of America. That is not sustainable. We are losing the jobs and we are mortgaging our future, and someday that debt is going to be called in by the Chinese and others.

The trade deficit overall went up to \$63.8 billion. We are on track to have a trade deficit of \$765 billion this year. Now, that is a lot of numbers. What does that mean? We are borrowing over \$2 billion a day, \$2 billion a day from foreign interests, number one being China, number two Japan, and others, to buy stuff made overseas that we used to make here. And the Bush administration touts this as a great success, free trade. Why?

Well, because the corporate CEOs, who have outsourced their jobs to China, are getting huge and growing compensation, an average of \$12 million. They live in gated communities. They send their kids to private schools. They fly on private jets. They go to private resorts. They do not care about public infrastructure or public education. They do not care about the rest of us in this country. They do not even care about the American workers anymore because they are making stuff overseas. All they do is hope our credit cards hold up a little bit longer so we can buy more of the stuff they made over there that might be a tiny bit cheaper and put it on the credit card and they can cash in and get out of town before this house of cards collapses.

So we are borrowing over \$1.4 billion a day to run the government. We are borrowing \$2 billion a day to buy stuff made overseas, and President Bush is telling the American people that things are great and getting better, but on Main Street, America, they know that is not true.

Now, in the country clubs and in the boardrooms, sure, better than ever. Corporate CEO pay went up last year about 10 percent, about \$1 million on average, which happens to be 100 times what a minimum-wage earner earns in this country. That was just their increase. The minimum wage has not gone up in 9 years. The Republicans refuse to bring it to the floor of the House because they are favoring these corporate CEOs. God forbid, they should pay more in taxes, and God forbid, they should have to pay the minimum-wage people who wait on their tables, who park their cars and who mow their lawns any more money. It would be a hardship for those rich folks.

So this is the Bush economic success. We are borrowing from overseas. We are borrowing from the Social Security Trust Fund. We are borrowing from other investors. We are financing it on the credit card, and they tout this as great for our country and a strong economy. What a lie.

#### GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, as Congress prepares to leave for the August recess, American families are being forced to make significant sacrifices just to be able to afford to drive to work, let alone try to take their family vacation this summer. I find it appalling that this body has not properly addressed high gas prices.

Over the Fourth of July, the national average price for a gallon of gas was approximately \$3.00. Gas prices in my northern Michigan district exceeded \$3.00, with many areas seeing a 20 to 25 percent increase in gas prices in 24 hours from July 2 to July 3, just in time for the July 4th holiday.

For almost a year now, we Democrats have been calling on the Republican leadership to allow a real price gouging bill to be passed into law.

One hundred thirty-five Members of this body have signed a discharge petition requesting that my legislation, the Federal Response to Energy Emergencies Act, the FREE Act, be brought to the floor for a vote.

After continuing lobbying from Democrats, Republicans finally introduced their own legislation, which was called price gouging, and it was a price gouging bill in theme only. That bill was passed by this body in May, and it has been stalled in the other body, controlled by the Republicans.

Unlike the Republican price gouging legislation, my bill, the FREE Act, would specifically set guidelines for the Federal Trade Commission to use to define price gouging, including provisions that would make it illegal to have unconscionable pricing, providing false price information, and market manipulation.

The FREE Act also contains a provision that would promote price transparency, helping consumers to understand whether or not oil and gas prices are fair and reasonable.

The FREE Act would also apply to natural gas and propane. Neither natural gas nor propane is addressed by the Republican bill.

Despite efforts to sugar coat the Federal Trade Commission's report recently released, called Invasion of Gasoline Price Manipulation and Post-Katrina Gas Price Increases, the Federal Trade Commission did find price gouging. Twenty-three percent of the refineries, 9 percent of the wholesalers and 25 percent of the retailers charged significantly higher prices. In other

words, they gouged the American people. And these prices were not attributable to either increased costs or national or international market trends.

Mr. Speaker, the American people are fed up. They know price gouging when they see it and they are being gouged. The Federal Government has responsibility to protect consumers from price gouging.

Price gouging legislation is long overdue. Congress needs to pass legislation to allow the Federal Trade Commission to prosecute price gouging.

Just as we must continue to work to protect consumers from gouging and predatory pricing at the pump, we must also investigate the effect that energy futures trading can have on gas prices.

Traditionally, trading of energy commodities such as crude oil, gasoline, diesel fuel and natural gas has taken place on the New York Mercantile Exchange, NYMEX, with oversight by the Commodities Future Trading Commission. However, an increasing amount of trading does not occur on NYMEX but in off-market deals known as over-the-counter trading.

According to the bipartisan Senate Homeland Security Committee report on oil and gas market speculation released on July 27, it says: "As an increasing number of U.S. energy trades occurs on unregulated over-the-counter electronic exchanges or through foreign exchanges, the trading reporting system becomes less and less accurate, the trading data becomes less and less useful, and its market oversight program becomes less comprehensive."

It is estimated that up to 75 percent of all energy trades are now over-the-counter, where speculation occurs without any regulation or oversight by the Federal Government.

Without effective oversight, there is no way to know whether energy speculators are basing their trades on market realities or instead taking advantage of the system to make money at the expense of hardworking Americans. Unregulated trades based on speculation, fueled by fear, result in greed, as we can see from the record profits of the oil companies.

In fact, a recent Justice Department investigation had led to charges against traders for the energy conglomerate, British Petroleum. It is alleged that several traders attempted to corner the market on propane in a pipeline network that serves the Midwest and the Northeast in order to drive up the price for propane in these areas. Court documents show that they were at least temporarily successful in driving up artificially the price of propane.

Investigations into additional civil and criminal violations are ongoing.

When speculators, motivated by greed, take advantage of markets to drive up energy prices, the Federal Government must intervene to prevent this manipulation from being passed on to the American consumer.

Due to these concerns, I have introduce the Prevent Unfair Manipulation of Prices (PUMP) Act, H.R. 5248 to bring Over the Counter trading under the oversight of the Commodity Futures Trading Commission.

The PUMP Act would require off-market speculators to play by the same rules as on-market traders. This increased oversight will improve confidence in the market and help eliminate the unreasonable inflation of crude oil prices. The legislation would also increase penalties for speculators found to be unfairly manipulating the oil futures market.

Some economists estimate that oversight over all futures trades would lower the price of a barrel of crude oil by as much as \$20.

Unfortunately, rather than proposing real solutions to bring down energy prices, Republicans have instead continued to propose bills to eliminate environmental standards, provide more tax breaks for bill oil, and promote the Republicans' favorite solution: drill, drill, drill.

I find it appalling that anyone could suggest that big oil needs more breaks, given their exorbitant profits. And we can not drill our way towards solving our addiction to oil.

Only by ensuring fair markets for American consumers and the promotion of alternative fuels can we truly reduce energy prices.

Our constituents are looking to us, to Congress, for relief. It is our duty to approve legislation that would provide real solutions, to protect Americans from the increased financial hardship that price gouging and high gas prices artificially created during the summer tourism months.

□ 1630

#### A MESSAGE FROM THE NORTH CAROLINA GENERAL ASSEMBLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I am here to deliver a message from the North Carolina General Assembly. It is a bipartisan, nearly unanimous message from our State House: Stop underfunding our schools.

Last week, 52 Republicans joined all voting Democrats in the North Carolina House of Representatives in passing a resolution that, "urges the President of the United States and Congress to make a serious commitment to improving the quality of the Nation's public schools by substantially increasing the funding for the No Child Left Behind Act, the Higher Education Act, the Individuals With Disabilities Education Act, and other education-related programs."

This resounding call from both sides of the aisle in my State is a sign that North Carolinians are exasperated with a President and a Congress that refuse

to follow through on their commitments. They are simply fed up, Mr. Speaker.

By consistently underfunding No Child Left Behind, the Federal Government has failed to hold up its share of the bargain it made with our schools when No Child Left Behind was signed into law 4 years ago. In passing the law, the government promised to help improve failing schools by targeting the areas that needed support and providing that assistance.

By failing to come through on promised funding, the administration has turned No Child Left Behind into a program that punishes our schools instead of supporting them.

Two of the resolution's clauses tell the story more fully. "Whereas the Federal government has decreased funding to North Carolina for No Child Left Behind in fiscal year 2006 by almost \$11 million, and overall funding for public education by almost \$12 million, including a deduction of \$759,012 from programs that serve students with disabilities, and, whereas, in addition the Federal Government has cut almost \$11 million from postsecondary education programs in North Carolina."

Mr. Speaker, since No Child Left Behind was signed into law in 2002, counting the President's latest budget proposal, the Bush administration and the Republican Congress have underfunded this law by some \$55 billion. In fact, the House is expected to debate an appropriations bill for the Department of Education soon that will cut the program by another \$500 million as compared to last year.

And what about other Federal education programs? The story is much the same. The government is not fulfilling its promises. Since the passage of the Individuals With Disabilities Education Act in 1975, the Federal Government has failed to fully fund the education of children with special needs to the tune of \$217 billion.

And this President and the leadership of this House have dropped the ball on making college more affordable for students and parents. Student loan rates are going up and Federal support for aspiring students is stagnant or decreasing while the cost of education continues to rise.

To put this in perspective, our alternative Democratic budget would invest far more in education smartly and strategically while at the same time balancing the budget sooner.

Mr. Speaker, North Carolina schools are no strangers to accountability. The teachers and parents and administrators in my State want our students to succeed like none other. They are simply asking that our Federal Government be a reliable partner and live up to its promise of support for the education of our children.

Mr. Speaker, I will insert at this point in the RECORD House Resolution 1811 from the North Carolina General Assembly adopted on July 5th, 2006.



A HOUSE RESOLUTION URGING CONGRESS TO INCREASE FUNDING FOR THE NO CHILD LEFT BEHIND ACT, THE HIGHER EDUCATION ACT, AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Whereas, the State of North Carolina under the Standards of Learning Accountability System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic backgrounds, lower economic status, and limited English proficiency, and with learning disabilities or challenges; and

Whereas, the State of North Carolina, therefore, applauds the President and United States Congress for putting forth the same goals in the No Child Left Behind Act of 2001 and emphasizing the urgency in closing these achievement gaps and improving the performance of these students; and

Whereas, the No Child Left Behind Act of 2001 has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, however, the increases in federal funding since the first year of the No Child Left Behind Act have been minimal and insignificant; and

Whereas, the federal government has decreased funding to North Carolina for No Child Left Behind Act in fiscal year 2006 by \$10,777,346 and overall funding for public education by \$11,931,500, including a deduction of \$759,012 from programs that serve students with disabilities; and

Whereas, in addition, the federal government has cut almost \$11,000,000 from postsecondary education programs in North Carolina; Now, therefore, Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the President of the United States and Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing the funding for the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education related programs.

SECTION 2. The House of Representatives requests the President, Congress, and the United States Department of Education to offer states waivers, exemptions, or whatever flexibility possible through regulations from the requirements of the No Child Left Behind Act in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that are not proven effective in raising student achievement and may not be the priority of an individual state.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to the President, the members of the North Carolina Congressional Delegation, and the United States Department of Education.

SECTION 4. This resolution is effective upon adoption.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

(Ms. LORETTA SANCHEZ of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### SUPPORT THE VOTING RIGHTS ACT REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, the Voting Rights Act was good for America in 1965 and it is good and necessary in 2006. We must strengthen our resolve and complete the job that we began almost a year ago in a bipartisan way and pass the reauthorization of the Voting Rights Act tomorrow without amendment.

The struggle for voting rights was not so long ago. It was not 75 or 100 years ago. It was 41 years ago that this Voting Rights Act was passed. This is not ancient history. Yet so many Members of the House are too young to remember our very dark history of segregation and voting discrimination.

The history of the right to vote in America is a history of conflict, of violence, of struggle for the right to vote. Many people died trying to gain that right. I was beaten and jailed because I stood up for it. The experience of minorities today tell us that the struggle is not over, and that the special provisions of the Voting Rights Act are still necessary.

We do not want to go back to our dark past, and we must not go back. Forty-one years ago it was almost impossible for people of color to register to vote in many parts of the American South, in Georgia, in Alabama, and in Mississippi. Forty-one years ago, the State of Mississippi had a black voting-age population of more than 450,000, and only about 16,000 blacks were registered to vote.

Just 41 years ago, people of color had to pay a poll tax, pass a so-called literacy test in some States in the South. There were black men and women who were professors in colleges and universities, black lawyers and black doctors who were told they could not read or write well enough to register to vote.

They were asked to interpret certain sections of the Constitution in southern States. Some were asked to count the number of bubbles in a bar of soap, others were asked to count the number of jelly beans in a jar.

People stood in unmovable lines for the opportunity to register to vote. In some States voters could register only on 1 or 2 days a month; but those lines never moved, and those would-be voters were never registered. People were beaten, arrested, jailed, people even shot and killed for attempting to register to vote. It was a matter of life and death.

On March 7, 1965, about 600 of us black men and women and a few young children attempted to peacefully march from Selma, Alabama, to Montgomery to the State capitol to dramatize to the Nation and to the world that people of color wanted to register to vote. The world watched as we were met with nightsticks, bullwhips, we were trampled by horses, and tear-gassed.

Eight days after what became known as Bloody Sunday, President Johnson came to this podium and spoke to a

joint session of Congress and began by saying, "I speak tonight for the dignity of man and for the destiny of democracy." And during that speech, President Johnson condemned the violence in Selma and called on the Congress to enact a Voting Rights Act. He closed his speech by quoting the rights of the civil rights movement saying, "And we shall overcome."

I was sitting next to Martin Luther King, Jr., in the home of a local family in Selma, Alabama, as we listened to Lyndon Johnson say, "And we shall overcome." Tears came down his face. And we all cried. Dr. King said, "John, the Voting Rights Act will be passed, and we will make it from Selma to Montgomery."

Congress did pass the Voting Rights Act. On August 6, 1965 it was signed into law.

There was an elderly black man who lived in Selma, Alabama, who after Johnson had signed the Voting Rights Act became registered to vote for the first time. He was 91 years old. He said, "I am registered now. I can die and go home to my Lord."

Today, people no longer meet attack dogs and bullwhips and fire hoses as they demonstrate or attempt to register to vote. Today, the tools of discrimination are not poll taxes and literacy tests. But make no mistake, discrimination still exists. Look at Florida in 2000. Look at Ohio.

The tools of discrimination are much more difficult, but just as dangerous. Today, the discrimination comes in the form of redistricting and annexation plans, at-large elections, polling place changes.

In my own State of Georgia, the legislation went back to a period in our dark history by passing a voter ID law that would make it more difficult for the elderly, the poor and minorities to vote. Both a State and a Federal court jurist have called the law unconstitutional and stopped it from taking effect.

We can do better. We must do better, and pass the Voting Rights Act without amendment tomorrow.

#### ARMY BUDGET PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, "Help is on the way." That was the promise this administration made to our country and to our servicemembers before the election in 2002. And look what it has come to mean.

The Army cannot pay its utility bills, defense workers are on the unemployment lines, and equipment readiness is slipping to historic lows. So I ask, exactly who is being helped? I am sure that the administration will blame the Army's money problems on the war. There is no doubt that the \$350 billion excursion into Iraq has placed stress on the Army as well as the other services.

But this Congress has continually provided these supplemental funds the administration has requested to wage the war, and has even increased the defense budget by 19 percent since 2001.

So I ask, how can it be that the Army is closing or curtailing the family support programs and laying off employees? The answer is clear. The administration is not requesting sufficient funds to provide for the national defense beyond the war in Iraq. This Congress has already provided \$166 billion to the Army in 2006. That is \$2 billion more than the administration requested.

Obviously it is not enough. Because I am hearing of reports in the media about bases like Fort Sam Houston where the utility bills have not been paid since March. The Army knows it has a problem. They even requested more money, but the President's Office of Management and Budget cut \$4.9 billion from the Army's request for the 2006 war supplemental before it was presented to Congress.

So now the Army is trying to pinch pennies by closing libraries, reducing trash pickup, closing dining facilities, and reducing support for vital training activities. This is a move that is certain to damage morale and sends the wrong message to our troops. This is not the way to reward the courage and sacrifice of our soldiers and their families.

Several weeks ago, I spoke here on the floor about the dismal readiness posture of the Army's equipment. Readiness rates for equipment have fallen so far that I fear that they will now present a strategic risk to our ability to respond to contingencies beyond our current commitments in Iraq and Afghanistan.

In addition to this problem, the Army is now laying off engineers working on some of the high priority modernization programs in order to pay bills elsewhere in the Army.

The needs of the current and future Army are being neglected. As a candidate in 1999, President Bush said that "The previous administration wanted to command great forces without supporting them, to launch today's new causes with little thought of tomorrow's consequences."

Unfortunately, it appears that the words now apply to his own administration. He is failing to request the funds the military needs to fight the war on terror, the war in Iraq, and also remain ready to defend the Nation if other needs arise.

This country is at war. Americans have a right to expect the administration to realistically budget for national defense. That is not happening, and every day it continues to put this country at greater risk.

□ 1645

#### RAILWAY SECURITY

Mr. NADLER. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. NADLER. Mr. Speaker, the Bush administration constantly crows about protecting us from terrorists, but when you get down to nuts and bolts it is clear that the administration and the Republican leadership of this Congress have no idea what they are doing. Just yesterday, terrorists killed more than 180 people by attacking the mass transit system in Mumbai, India. You had better believe that every one of the 4 million subway riders in New York took a deep breath before getting on the train this morning. New Yorkers know that, when terrorists strike, they go after high density, high profile targets. Every time you read in the newspapers that a terrorist abroad has been apprehended, you find the plans to strike at the United States are of Washington or New York, the maps in their possession or on their computers are of New York. Evidently this is yet to dawn on the Department of Homeland Security. Their ignorance is nothing short of disgusting.

We need to step up not only the distribution of funds to the right places, to the targets in this country, we need to step up rail security protections in this country. The Democratic Rail and Transportation Security Act proposes to appropriate \$400 million a year for the next 6 years for a grant program to beef up the rail and public transportation security on our mass transit systems in the country as a whole, New York and elsewhere, but the administration and the Republicans in Congress say no.

The Democrats propose to spend \$150 million over the next 3 years for advanced research and development to find more advanced solutions to the security threats faced by rail and public transportation systems. Again, the Bush administration and the Republicans in this Congress say no. We ought to be spending roughly \$26 million a year over the next 6 years to hire 200 new rail security inspectors per year. Is this really necessary? You bet. Right now there are only 100 rail security inspectors for the whole country.

We need to increase our intelligence efforts to prevent attacks, develop plans to respond to attacks, and ensure the timely restoration of our rail infrastructure should an attack occur. The Democrats have advanced plans to do this, while the Republican leadership of this Congress and this administration waste their time designating insect zoos and bean festivals as terror targets as was revealed in the front page of the New York Times today from the list of targets on the Homeland Security target list.

Is there no end to their incompetence? First they cut funding for the prime target in this country, New York, by 40 percent. Then they declare an excuse that New York contains no national landmarks or icons, and now

we learn they are designating a kangaroo conservation center as a key terrorist target. There is no excuse for short-changing this country's top targets. As the Inspector General has wisely determined, folksy appeal cannot be the chief criterion for the allocation of anti-terrorist funding.

It has been over 1 year since terrorists struck London's mass transit system, over 2 years since the rail bombings in Madrid, yet little has been done in the United States to protect our rail and mass transit systems. This administration, the leadership of this Congress must open its eyes to reality and put our resources where they are really needed before we have another catastrophe, a preventable catastrophe, on our hands. And then it will be little comfort to know that the blame lies with the administration and the Republican leadership of this Congress.

We don't want to be laying blame. We don't want to be saying it is their fault. We want to prevent it. So let us learn a little, and let us pray that the administration and the Republican leadership of this Congress has their heads examined and opened their eyes.

#### HOMELAND SECURITY FUNDING FOR NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from New York for his remarks.

I rise today to express my continuing frustration with the Department of Homeland Security and its inability or unwillingness to focus our limited resources of time, money, and attention on the real risks that we face as a Nation. Yesterday, the bombing of railways in India reminded us not only that terrorists remain committed to senseless and horrific violence, but that they remain attracted to certain types of targets.

Mr. Speaker, in 2001, terrorists attacked New York and Washington. Two years ago, terrorists attacked commuter trains in Madrid. Last year, terrorists attacked subways in the heart of London. Two days ago, rail systems in Mumbai were bombed. There have also been rail and transit attacks in Japan, South Africa, and Israel, and so far unsuccessful plans for attacks on New York's transportation system.

On the streets of Iraq, insurgents are perfecting the use of IEDs against our troops. When those terrorists look to transfer their skills to the United States, where will they look to use them? The pattern is clear, the message is deafening: High density, high profile targets are the most attractive targets for terrorists, and rail and transit systems remain dangerously vulnerable.

Like many of the Members of this House, I was pleased when Secretary Chertoff took office and stressed in his

first public speech that DHS must base its actions on threat, vulnerability, and consequence. Unfortunately, action has not measured up to that rhetoric. Last month, the Department cut by 40 percent for New York and Washington, D.C., cut funding by 40 percent, two cities that have been attacked and the two cities that remain the most likely targets for future attacks.

We are all looking for the best way to spend the limited money that has thus far been allocated to homeland security. The Department perfected the art of allocating funds the wrong way.

In addition to ignoring the plain facts about risk and vulnerability, DHS has sat on the sidelines in developing standards for safety and security. This void is being met in some areas such as New York where the Metropolitan Transit Agency has added 200 officers and 25 K-9 bomb detection units since September 11. New York City has 1,000 counterterrorism officers. The city and the MTA are working to develop and install state-of-the-art air monitoring devices in the transit system.

We knew that communications interoperability presented a problem for first responders in Oklahoma City. Those problems turned deadly on September 11. Nearly 5 years after September 11, first responders are still waiting for the administration to issue an actual interoperability plan. This abdication of responsibility has forced many cities and States to dig their own deficits deeper to put national security measures in place. That is not a plan, it is not a strategy, it is a failure of leadership that we are seeing again and again.

Mr. Speaker, our homeland security efforts are a race against the clock. We have received several wakeup calls. We don't need another study or another office or another Under Secretary; we need action. And next week I hope the House Committee on Homeland Security markup of the Department of Homeland Security authorization bill will provide us a real opportunity to strengthen our homeland security and spur DHS to act more quickly to protect the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### INCREASING THE MINIMUM WAGE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House,

earlier today we had a motion to instruct on the vocational education conference, and the motion to instruct was about the minimum wage and about the need of 6 million people who work at the minimum wage for an increase in that minimum wage. These individuals have been stuck at \$5.15 since 1997. They are earning 1997 wages in the year 2006.

Over 80 percent of Americans from all across the country, obviously if it is 80 percent of Americans, from every walk of life, from every social economic strata, believes that these people are entitled to an increase in their wages, and they believe that out of fairness, they believe that out of a sense of fair play for these individuals. They know when they look at their own life, be they middle class or be they rich, the fact of the matter is they recognize that costs have gone up, that the cost of food has gone up, that the cost of bread has gone up, that the cost of milk has gone up, that the cost of education has gone up, that the cost of utilities has gone up, the cost of gasoline of course has soared. And these people in many ways are dependent, whether it is on public transit or whether it is on their own automobiles, it costs them more to go to work.

And so America understands this very clearly. But the critical piece to getting these people the minimum wage is to get the Republican leadership in the House of Representatives to understand the morality of this decision to provide for a minimum wage, because these people are working under a Federal minimum wage that was imposed in 1997. And until the Republican leadership decides to go forward, these people will not get that increase in the wages that they so desperately need.

Now, there is a glimmer of hope, because today 64 Republicans made the decision to support the motion to instruct. I assume they understood that this motion to instruct will not become law. I hope they didn't vote for it because it won't become law; I hope that it wasn't about posturing. I talked to many of them before the vote and after the vote, and they told me that they wanted to speak and vote on the minimum wage and to send a message. And they did that today. Hopefully that message will start to be received by the Republican leadership in the House of Representatives and they will schedule a minimum-wage bill for an up or down vote on this House floor, and we will get to speak our wills and hopefully we will reflect what the American people want us to do, and that is to give these people an increase in the minimum wage.

So I would hope that this vote that was taken today will be the beginning of the Republican leadership walking toward that decision to provide for an increase in the minimum wage. I would hope that they would do that because it is the right thing to do. I would hope that they would do that without tricking up the bill, without making the bill

so that it can pass the House but it can't get passed in the Senate or it won't get done in conference. I hope they will do it soon enough so that it can become the law of the land.

We all understand the political games that can be played, but these political games are tragically almost lethal to these families. These people go to work every day for a whole year and they end up with \$10,700, and out of that \$10,700 not only are they substantially below the official poverty line, so you are making a decision that the official minimum wage in this country will keep these individuals locked in poverty.

That is not the only part of it. It means that those people, those people will have more difficulty in providing the necessities for their families, for their children, because many of these minimum wage workers have children who rely on that wage as a means of holding the household together. So as rents have continued to go up and energy has continued to go up and telecommunications has gone up, all of these things have gone up, these people struggle with this every day.

I dare say most of us in Congress, we work an 8-hour day or 10-hour day or 12-hour day, but when we go home we are done. These people have a second job. They have to figure out how to economically hold their household together, how to provide for their children, how to provide food and rent and health care and all of these things together on \$10,700 a year. That is difficult. That is tough.

I hope that today's vote with 64 Republicans sending a message to their leadership that they want to speak out, they want to vote on the minimum wage, that the Republican leadership will respond in kind and give the House of Representatives the vote that the American people desire.

□ 1700

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### RAIL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, we face a grave and growing threat. The safety of America's rails and subways is on shaky ground almost five years after September 11th. We need to take a hard, honest look at the issue of rail security and give America's rail passengers the same level of confidence that airline passengers get everyday.

In recent years, we have experienced an annual average of 30 terrorist attacks on passenger rail across the world. The past three

years have seen the sadness and heart-wrenching agony caused by three major attacks on rail systems in Madrid, London and disturbingly yesterday in India. These three attacks alone have led to some astonishing numbers, 22 bomb blasts, 15 trains destroyed, 390 people dead and over 1,650 injuries and countless lives forever altered. The shock, horror and loss of life resulting from these acts of terrorism are reminders that the United States must do more to strengthen rail security.

Our passenger rail systems are vulnerable potential targets for terrorists. The 9/11 Commission's final report noted that "surface transportation systems such as railroads and mass transit remain hard to protect because they are so accessible and extensive." Throughout the country, there are over 300,000 miles of freight rail lines and over 10,000 miles of commuter and urban rail system lines. On a typical weekday, 11.3 million passengers use rail or mass transit, and at any given time, hazardous materials are transported throughout the country.

Yet we still do not have a comprehensive national strategy for rail security. The Transportation Security Administration has not yet implemented adequate security guidelines for rail and mass transit systems similar to those required for airports. The Department of Homeland Security does not even require rail and mass transit systems to complete vulnerability assessments or submit security plans to the Department. Nor are we providing adequate funding for rail security. Over the past four years, the Department of Homeland Security and the Transportation Security Administration have spent on average \$9 per air passenger, as compared to only one penny for each rail or mass transit passenger. One penny to prevent bombs, chemical and biological agents does not go far enough for tools, prevention and training.

It is clear that many of our rail and mass transit employees lack adequate security training. In a 2005 survey of the International Brotherhood of Teamsters, 84 percent of those surveyed said they had not received "any training" or "additional training" related to terrorism prevention and response in the previous twelve months. We in Congress must have a frank discussion about our rail system, from AMTRAK, to the Metro in DC, the L in Chicago and the T in Boston and of course the subway in New York City. It is time for the U.S. to implement a coordinated national strategy for rail security, to provide adequate security training for rail and mass transit employees, and to fully fund rail security programs.

I commend my colleagues for introducing the Rail and Public Transportation Security Act. The reforms in this bill are long overdue. We have seen over and over again the pain these terrorist acts have brought to ordinary citizens. We cannot afford to wait until tragedy strikes again to improve this country's rail security.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

(Mr. OBERSTAR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REAUTHORIZATION OF THE VOTING RIGHTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the passage of the 1965 Voting Rights Act was our greatest accomplishment in the long struggle against discrimination and oppression. It has changed the face of this Nation and enabled millions of Americans the opportunity to vote.

During the 1960s, we saw many brave men and women rise up against the oppression of Jim Crow and demand an equal voice in our democracy. In this battle for the most basic of rights, many heroic Americans were beaten and imprisoned, saw their churches burned or bombed, or were killed in the name of freedom and justice. I am proud to serve alongside Congressman JOHN LEWIS, whose bravery and presence during that historic march in Selma changed this Nation.

There are many young people who may not know of this battle towards equality. It is imperative we recognize and celebrate our great accomplishments as a nation. We cannot develop future policies or laws without applying the lessons we have learned from the past.

This August will mark the 41st anniversary of the Voting Rights Act. There are many who say there is no longer a need for the Voting Rights Act. Unfortunately, this is not the case. It is true that we have made remarkable progress since 1965, however, there is still much work to be done.

Minorities continue to face an uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations. Prior to the 2004 elections, students at Prairie View A&M were told they could no longer register to vote in Waller County, Texas. The fear was that the eight thousand students at this Historically Black College would elect someone the local District Attorney didn't want.

The Voting Rights Act helped protect these students from becoming disenfranchised voters. This change in voter registration was not pre-cleared by the Department of Justice, as required by Section 5. Ultimately, the Texas Attorney General and the Department of Justice intervened and provided these students with the access and opportunity to vote. This is just one example of why we still need Section 5 and the Voting Rights Act.

Section 5 is current, necessary and protects the rights of millions of Americans. The reality is that there are still some people out there who don't want minorities to vote.

As part of the backlash against illegal immigration, there have been calls to eliminate bilingual voting assistance. I feel that Americans should be able to speak English; however, I do not endorse testing language abilities as a prerequisite to vote. Those who receive bilingual voting assistance are American citizens. They weren't required to pass a language test to pay taxes or serve in the military, so they shouldn't have to prove their language skills in order to vote.

The Voting Rights Act was not and never will be about special rights—it is about equal

rights. Our democracy and our values as Americans are contingent upon the idea that every person should have the right to vote and have that vote counted.

We have made amazing progress since the enactment of the Voting Rights Act, but progress does not mean that we stop trying. Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SUPPORTING SERGEANT FIRST CLASS TREVOR J. DIESING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to honor Sergeant First Class Trevor J. Diesing of Plum City, WI. Trevor rose to the call to serve his country in her time of need, and gave the ultimate sacrifice in her defense. He was killed in Iraq when an improvised explosive device detonated near his position. Today, I bear witness that Trevor's efforts and the efforts of all our service men and women will forever be remembered. This Friday at the courthouse in Prescott, Wisconsin a plaque will be dedicated in Trevor's memory.

Trevor is a true national hero. Born to Debbie and Lonnie Diesing in Plum City, WI, Trevor felt a call early in life to serve his country and to help make the world a better place. After marrying his wife Lori and raising three beautiful children, Trevor's passion to defend what he loved was only strengthened. Friends and family described him as someone you always wanted on your side—a hard working and caring person who was always willing to lend a hand. When we step back and realize the incredible service of our men and women in uniform, we must always remember Trevor, for he was one of our finest.

The presence of men and women from Wisconsin serving in Iraq is a great blessing to our country as a whole. They all are doing a terrific job under very difficult and dangerous circumstances. We will be forever grateful for the sacrifice made by Sergeant First Class Trevor J. Diesing. Trevor was in essence a true patriot, serving his country selflessly while giving to the Iraqi people the greatest gift of all, their freedom. He also gave the children of America a great hope, the chance to grow up in a world that is a little more safe.

As a husband, father, son, and friend, Trevor will live on in our hearts as a hero and his legacy will never be forgotten. I pledge to do all that I can to ensure that Trevor's life was not lost in vain.

Perhaps President Franklin Delano Roosevelt said it best: "He stands in the unbroken line of patriots who have dared to die, that freedom might live, and grow, and increase its blessings. Freedom lives, and through it, he lives—in a way that humbles the undertakings of most men."

May God bless Trevor, and take him into his care. And may God's special blessing bring comfort to Trevor's family and friends always.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I wanted to address this House about an issue that, at least as I travel around my district, as I travel around my State, is one of the defining issues of our time, and that is the issue which we are hearing about every day: What are we going to do about the immigration policy and the immigration influx into this country?

I thought I would come down here today and see if we could not analyze this the way we sort of like to analyze evidence as we do in the courtroom. We need to take a look at what is the problem that brings us to this point that we have to address this thing, and I would propose first and foremost we need to look at the big problem and decide where is the crisis today as we stand here on this floor on July 12.

Where would the American public define the crisis to be as we deal with people who are coming into this country from other countries? And when I say other countries, I mean many, many other countries but predominantly I am addressing today the crossing of our southern border out of Mexico. Where are we concerned and why are we concerned?

Many people say, let us look at the big picture of this issue, which is that we have an estimate that is somewhere between 12 million and 15 million people that have come into this country since we granted amnesty back in 1986 or 1987 under the Reagan administration and opened the doors to the people who are here and gave them a fast track to American citizenship. We then said that we would go to the border and protect our borders and crack down on those people who would offer employment to folks who wanted to come in here illegally and we would prevent that. Mr. Speaker, the number, and whatever it may be but it is in the millions, clearly above 10 million and less than 20 million by most estimates, that are here in this country, as some like to say hiding in the shadows of our economy today, they are here. Now, why are they here?

Did we enforce the border? No. Did we crack down on employers that were employing these people? No. Did we do what we promised the American people we would do when we basically granted amnesty to 3 million people back in the 1980s? And that 3 million, by the way, grew in great proportion, because when

those people received amnesty they were also able to bring in their families, their children and their wives and their extended families, until that number grew to substantially more than what was estimated.

We will not go into that today, but did we do our job? Did we, as Democrats for a long time and as Republicans for a long time, did we do our job? I submit to you that the evidence shows we did not. And because the great prize of being forgiven of your sins, if you will, was granted in the 1980s, millions more came.

So is that the crisis? Those people, are they the crisis that have people so concerned across the country today? It is of interest. People are somewhat concerned, but I would submit, Mr. Speaker, that is not the crisis that people are concerned about and that is on their minds when they sit down to breakfast in the morning or when they talk to their families at night or when they visit with their neighbors or when they go out in public. That is not the concern. The concern is that border and those people coming across.

Mr. Speaker, we hear from people in this country, and there is certainly a valid economic argument for it, that we need these folks to come in here and take the jobs that Americans don't want. And there is some validity to that argument. There is some validity to many of these diligent hardworking people who have come to this country to take really tough jobs out there, working in the heat in Texas in the summertime, which is, believe me, having done it, it is a hard job. No matter where you are, if you are out digging post holes, laying asphalt, or putting a roof on in Texas, you are earning your pay. It is hot, tiring, almost thankless work. So we say we need these folks to build those fences, put those roofs down, and lay that asphalt. We need them. We have to have them. And there are those who can present evidence to that effect and make an argument for it.

But is that the crisis that people are worried about in this country? Is that what people, your neighbors, are visiting with you about? Is that what you are talking about when you gather in your community: Oh, we have such a shortage of workers here. We have so many jobs that people are not doing. We are just really in such desperate need of help, it is a crisis in our country. Mr. Speaker, I would also submit that is not the crisis that the American people are concerned about.

So then let's examine this picture further. Let's say, well, the statistics seem to show us that pretty regularly 1,000 people cross the Mexican-U.S. border into the United States every single day. That probably on many days is a very conservative estimate, but the average that both the Border Patrol and those who are down there that are trying to determine what is happening, that is pretty much what everybody agrees to, that at least 1,000 people a

day are crossing our border, at least 30,000 to 31,000 people a month are crossing this border, or 365,000 people a year are crossing the southern border of the United States into our country. And they are doing it, Mr. Speaker, no matter what you want to call it, they are doing it illegally.

The law says you can't do that, that it is against the law. You can call it whatever you want to call it, but it is breaking the laws of these United States, and these people are coming in at least in those numbers. And in addition to those people, or as a part of those people, who else is coming across our southern borders? Do we know?

Well, we know a little bit. We know that last year we caught 68,000 what we call OTMs. Those are people that are "other than Mexicans." And that is a term that has been adopted to define people from any other country but Mexico that have been caught and apprehended crossing our southern border. The Border Patrol and the immigration authorities have determined to call them OTMs, "other than Mexicans."

We have heard in testimony at hearings, just as recently as last week, that 30,000 Brazilians were shipped home a short time ago; that people from the Middle East, people from China, people from all over the Southern hemisphere have come into this country illegally crossing the Mexican border into the United States. Mr. Speaker, I would submit that that is the crisis.

Mr. Speaker, I would submit that when people discuss what they are very concerned about, what they think has the potential to change their lives, to threaten their lives, it is who is coming across our southern border in these huge volumes. That is what the American people see as a crisis.

Now, we are called upon, as we look at what is going on here in Congress, we are called upon to address these issues, and I submit to you, Mr. Speaker, that what we are called upon to do is to address the crisis first. I have used this example before, but if a series of wreck victims is brought in from a car wreck out on the highway outside of Washington, DC, today, and brought into the emergency room of the hospital, and we have one man who has a broken arm and we have one man who is skinned up because he slid on the pavement and maybe he has a broken hand and maybe a sore back, and then we have one man who has arterial bleeding from the throat, where is the crisis? The man with the arterial bleeding from the throat is going to bleed out and die in seconds if the emergency room does not immediately go and stop the bleeding where it is occurring because it doesn't take long for the heart to pump the body dry out of a main artery. Of course, our well-trained medical professionals in this country would recognize to go to the crisis and meet the crisis where the bleeding is.

The bleeding, Mr. Speaker, is at the border. That is where the bleeding is.

We have to do what we have to do to address how to stop the bleeding on the issue of immigration.

Right now we have two bills that are about to be discussed in conference committee that supposedly the two Houses of Congress are looking at what is important to take care of so that we can start down the road of having a responsible immigration process.

I would submit to you, Mr. Speaker, that after three trips to the border in the last 9 months, I am absolutely convinced that not only is the need most important that we secure our borders, but what the American people want us to do is secure our sovereignty and our borders, both on the southern border and the northern border of these United States, but the bleeding right now and the numbers coming across are clearly in the south.

I think the bill which has passed the House of Representatives is a bill that deals with the issue that is in crisis in America today on the issue of immigration. And I am going to submit to you, Mr. Speaker, that if any of our Members, and many of them have, and so I want to praise them for doing so, but if any of them will travel to the border towns of Texas, and I would highly recommend a trip to Laredo, Texas, or El Paso, Texas, or Del Rio, Texas, or Brownsville, Texas, or McAllen, Texas, or any of the other border crossings, but this day I recommend Laredo, Texas, and if you are not frightened about what you learn from the Nuevo Laredo citizens and from the Border Patrol immigration and ICE as to what is going on in Laredo, Mexico today, then your wood is mighty wet because you just don't see it.

The fact is there is a drug war raging in Nuevo Laredo. That is a cartel war going on with people firing automatic weapons at both civilians and members of the police force and the army in Mexico right across the Texas border. Live fire is received across the Texas border constantly. Ask the Border Patrol, they will tell you about it. They know about it.

Congressman JOHN CULBERSON and I were there, with our colleague Mr. CUELLAR, visiting on the southern border. JOHN was walking out on the bridge and his foot slipped on something on the international bridge, a bridge, by the way, that being a native Texan who spent at least 45 years of his life in the central Texas area, I have crossed as many times as there are Members of the House of Representatives I would certainly venture to say, because I have a great love for the country of Mexico.

I have visited Nuevo Laredo on numerous occasions. I have taken my wife Erica, my mother-in-law and father-in-law from the Netherlands, German visitors that have visited us from Germany, my wife's nieces and nephews from Germany, I have taken all these people across that border to have a good meal, to go shopping for sou-

venirs from Mexico, which are very, very cherished in Europe, and enjoyed a camaraderie with the Mexican people that was wonderful. It was a good place to take people to show them the fellowship between Texas and Mexico.

Mr. Speaker, I wouldn't recommend anybody crossing that international bridge today. Not one soul. Because what JOHN CULBERSON stepped on on that bridge was a spent round of a nine millimeter automatic weapon that had been fired at our Border Patrol. Not because they were shooting at them, just because they were shooting in that direction. It had pock marks, where we could see on the international bridge that it had ricocheted off and ended up on the ground, and Mr. CULBERSON stepped on it.

Mr. CULBERSON can show you that spent round, and I'm sure, Mr. Speaker, you have seen it.

□ 1715

We asked the Border Patrol, what's this?

Oh, that is a 9 millimeter. About 3 days ago they kind of sprayed the bridge a little bit. It happens a lot. We kind of just duck and then keep the traffic moving.

What kind of world are those people living in there? And then that night and every night before and every night thereafter, 1,000 breakers of the law cross that international line from San Diego to Brownsville and break the laws of the United States.

Mr. Speaker, as we analyze the evidence here, it is pretty clear. We have a crisis on our southern border. Now, how are we going to deal with that crisis? The House bill says, let's go and target sealing up our borders as best we can. Nobody in their right mind who has ever been to south Texas or west Texas and seen those miles and miles of Texas that we are all so proud of, they all know it is going to be a tough job to secure Texas borders alone.

And Arizona is just the same desert. It is the same wide-open country. And God bless Arizona and New Mexico and California, they don't have the ankle-deep Rio Grande to protect their borders. All they have is a barbed wire fence. So it is not an easy job for us to secure that border.

But, Mr. Speaker, we have the technology and the know how. We have the people who can do the job. If we provide the resources, we can make it much more secure and move towards making it secure so those law-breakers who want to enter our country find it very difficult to enter our country. They find themselves being detained, being deported.

Those people who come into this country from other countries find themselves not with a get-out-of-jail-free pass as they can wander among the populace of the United States as it used to be with our catch-and-release program, but under the House bill we would detain these people, these OTMs

coming into this country. The Mexicans we would take back to Mexico and we would enforce the law.

The people say to me in my district, when we start talking about immigration, at least 20 percent of the questions I have in my town hall meetings are, What's wrong with enforcing the laws we already have? I can't say a word because I agree with them. I agreed with them when I sat on the bench as a district judge and we would call Immigration to ask them to come pick up people who were clearly illegally in this country and have reluctance to do so.

I saw it with a number of our people sitting in our jails in Williamson County, Texas, who were illegal aliens, taking up jail space that our taxpayers are spending good, hard-earned dollars for. I saw them at the emergency rooms in our little local hospitals and in our big metropolitan hospitals, overwhelming our medical system; and we could not get the response we needed.

We have neglected our job, and now the House is saying we are ready to get the job done and we are submitting the resources and the ideas and the manpower and the technology to the Border Patrol and those agencies, including our Texas sheriffs and other law enforcement people in Texas and Arizona and New Mexico and California, so we can start to meet the crisis at the border and stop the bleeding. That is what our House plan says.

And it says, this is a start. We will back this up with action. We will do the job and we will support the laws that exist, and we will make better laws on the books.

Now the Senate has another plan. The Senate sees all those things that I listed in our evidence that we were looking at as to what is the crisis in immigration. The Senate is sitting there saying, We have to address all of them. In fact, they seem to be more interested in those things that our evidence shows are not bleeding than they seem to be interested in where the bleeding is at the border.

Now, they have some things in what I would like to call the Reid-Kennedy bill, and I will explain that in a minute, but the bill that came out of the Senate. What they have done, they have some border enforcement provisions. I don't want to deny that. But they spend a lot of time trying to deal with what are we going to do with these people that are here, that are already here illegally, and what are we going to do about a work program.

So they come up with a convoluted plan that, I am going to title part of this plan as the "illegal document industries job security plan," all right, because one of the things we know, and I know that the Speaker knows this from his past experience, and others know, that most of the people, in fact, all of the people who are illegal aliens working in the United States, our employers 90 percent of the time are making sure that they have some documentation to show at least on their



books that that person is legally in the country. And they are taking this documentation and putting it into files.

But there is a real, solid industry along the borders of the United States producing false documents, false Social Security cards, false driver's licenses, false pay stubs, pretty much anything you want. It is interesting to note that part of that industry grew up and got its birth out of what, out of amnesty in the 1980s because it took some documentation to show that you had been in this country for awhile so we could give you that fast track to citizenship. So those people who came over last night were quickly out there looking for somebody to mass produce for them documents to show they have been here for a period of time.

Now the Senate gives us a plan that says if you have been here so many years, you have to do this. So many other years, you have to do this, but you are on track for citizenship; and if you have been here 10 years or whatever their number is, you are in line, but you are behind everybody else. But you are in line for citizenship. We are going to require proof that you have been here that period of time, and the illegal document printing presses are rolling today in anticipation of the Reid-Kennedy bill, and it is now approaching a several million dollar industry.

These poor people who came here to work are paying sometimes a month's pay just to get a false Social Security card or get a false document showing that you have been here for a certain period of time to meet this deadline. Or here are 20 paychecks dating back 10 years so you get in that other good line so you can become an American citizen.

This provision of the Senate bill is a Federal Government boost to an illegal industry producing illegal documentation for the United States.

Mr. Speaker, why do we know that? Because we have experience to prove it. The few cases that have been prosecuted, we find all kinds of fraud and illegal documentation on Social Security cards.

Something that is interesting in my district, I have a lady who got a call from the IRS. I am going to say something on this. I am going to say the IRS seems to be doing at least some thinking outside of the box. The Social Security system, obviously everything must be computerized because there don't seem to be any human beings with common sense in the Social Security system. If you have a Social Security card, and I heard a number today of the billions of dollars of money that comes into Social Security, and everybody says it is all on ten Social Security cards and it is coming from 100 different sources on one Social Security card. They know it is there. They say, Hmmm, that's interesting.

But I have a lady in my district who gets a call from the IRS. They said we looked at your last tax return and we

show three sources of unreported income for you that you did not declare on your tax return.

She said that is impossible because I am a stay-at-home mother and wife. My husband is the only source of income in our family.

The IRS said, No, ma'am, according to our records you have three jobs in Arkansas working in chicken processing plants in three different cities. You would think that the man would realize just by his very statement that didn't make any sense.

She said, How can I work in three different cities in three different processing plants every day? How would that work?

He said, Yes, I guess that is right. Maybe we better take a look at this. It looks like somebody is using your Social Security number.

They tracked down that Social Security number. A little stink was raised to try to get it done. Guess what. Not only did these three people have that Social Security number, but, lo and behold, they had gotten a valid copy of a Texas birth certificate to go along with it because as it turns out, all it takes to get your birth certificate is a Social Security number.

So these people have been running up her income and reporting it on that Social Security number by the employers, and they thought they were going to hold her responsible for that income.

Mr. Speaker, that kind of false documentation is all over America today. So the Senate in that one section is creating, I would argue, another illegal industry in this country.

Mr. Speaker, I have a background, and many of you in the House know, and I know you know this, Mr. Speaker, I spent 20 years as a judge on the bench in what I would argue, and you won't get much argument back in Texas, in the toughest county in the State on criminals. I spent 20 years putting people in prison for illegal behavior.

We have prosecutors who do their jobs. We have law enforcement officers who do their jobs, and we have judges and juries who tell people: You do crime, and you do time in Williamson County, Texas. This is the world I grew up in, and it is the world I believe in, and it is the reason that today and for the last 10 to 12 years at least that I know of, the lowest crime rate in the State of Texas was in Williamson County, Texas. It is because criminals knew if you want to go into the criminal business, find some other county because in Williamson County, the cost of doing business is high. And I am proud to say my colleagues that were on the bench with me are maintaining that kind of standard in Texas today.

But why do we do that? Because we want the citizens of our county and I want the citizens of my entire district to feel like they live and raise their children and go to work in a safe community, a community that respects the rule of law and does not tolerate unlawful behavior.

And yet we have created an immigration system that for the vast, vast majority of people coming into this country, they are coming in illegally.

There are good, hardworking, honest people who are doing it right to come into the United States. We are that beacon of freedom, liberty and opportunity. We are the same beacon we have always been. But the difference is, these people wait in line.

If you are from the Philippines, they tell me you wait 16 years to come into the United States. It took my district director 18 months to bring his wife and two children. His wife was educated at the University of Texas in El Paso. To bring them in from Canada, he did it legally, and it took 18 months; the woman never even had a parking ticket.

So there are honest, hardworking people that are doing it the right way, and those are the immigrants that we reference when we say: We are a nation of immigrants. That is right, we are a nation of immigrants that came here legally and came here to be Americans and to be part of America and to contribute to America and to learn to be part of our society. They didn't come in to live in the shadows of our Nation. That's the kind of immigrants we need to encourage. But our system now is so overwhelming that it is 50-to-1 illegal-to-legal people coming into this country today.

Some of the other interesting things that the bill will do, the amnesty part of the bill that the Senate has passed, as a result of the amnesty provisions they have created, over 60 million new immigrants will be allowed in this country over the next 20 years. Do we need 60 million new people? I don't know, but it is an overwhelming number.

Mexico, under the Senate bill, would have to be consulted before we built any barriers on our borders, protecting our sovereignty. We have to call up the President of Mexico and say, Excuse me, we are thinking about building a fence.

□ 1730

We are thinking about building a wall. We are thinking about building barriers where you can't drive your vehicles loaded with dope across our border. Would that be okay? Oh, it's not? Sorry. We will call you later. What kind of thinking is that, Mr. Speaker?

And then, you know, whether you believe the rhetoric that went on in the Social Security system argument that took place in this House a year ago or not, all logical thinking people will tell you our Social Security system has got some real problems meeting its obligations. Once the baby boomers are in the system it is going to be a problem. But the Senate doesn't see a problem because they are wanting to guarantee Social Security benefits would be provided to illegal immigrants. For the time they were in this country illegally we are going to give them Social

Security benefits in this country. I hope the teachers back in Texas who don't get their Social Security benefits, and should, are hearing this message, that the Reid-Kennedy bill thinks they should have Social Security benefits, but unfortunately, Texas teachers don't get it.

Also, I happen to have been blessed with four beautiful children and I am real proud of them. But when you get ready to send them to college you have got to be proud of them because they cost a lot of money, okay? And my wife and I can testify that sending four kids to college is one of the great experiences of life. Of course it is not going to be too bad an experience for illegal immigrants because rather than being out-of-state tuition payers like anybody from any other State or country that would come into this country, oh, no, the bill will guarantee them in-state tuition. And believe me, in Texas the difference between in-state and out of state, as you well know, Mr. Speaker, is a substantial plus for these illegal immigrants, these people who broke the law. Some of them crossed that border, Mr. Speaker, 10 or 15 times before they dodged that Border Patrol.

You know, you meet with those Border Patrolmen out there in the bushes and you talk to those guys and when you get them to kind of open up with you, they say, you know, kind of one of the frustrating things is some of these guys I know them by their first name. I catch these guys every other day until they finally slip past me. I know who their kids are just about, I have visited with them so much. But they ultimately get by and they ultimately get in, and then we don't find them.

And I am just touching on a few points. So we are also going to create a worker program under the Senate bill to bring people in here. So let's see, we are going to deal with, somehow deal with the citizenship aspect of 12 to 15 million people who are already here.

Then we are going to have a program that is going to bring in, I don't know the number, 250, 300,000 a year under a work program.

Let me tell you something, Mr. Speaker, and I know you have experienced this in your part of the country too and your part of the State. People who are waiting to do this thing legally, waiting to get their background checks, waiting to do the right thing, you know, to have sponsors that will vouch for them so they won't be a burden on our welfare system, this is what people who come in here legally do. They have to have a background check. The FBI checks them to make sure they are not terrorists, make sure they are the kind of people we want here. Someone has to stand up for them and say when they come here I will make sure they are not a burden on our society; I will guarantee that they will have a place to be and a job and these type of things. That is how it works legally. Of course these illegal people, none of that is done.

So as we are going to process these people, at a minimum, and I would argue much more, but at a minimum, we put 15 million people into the system, all of whom are going to need background checks. If not, then how do we know that the one we don't give a background check to is not a terrorist? Because we know for a fact, we have caught people coming across our border from Iraq, from Iran, from Afghanistan, from Pakistan, and from areas that have harbored terrorists all over the Middle East have crossed our southern border. We know that because we have caught them, and we have actually caught some that are on the terrorist lists.

Now, does that mean we are just going to, for this 15 million that are already here because they have been here for at least a couple of days, up to maybe 10 or 15 years, how do we know what their background is if we don't do a background check?

So we are going to dump that 15 million people into the system. Then each year, in addition to that, we are going to dump 350,000 guest workers into a system, into a system, Mr. Speaker, my office that works in my part of the State of Texas in San Antonio, into a system where right now people who are trying to get clearances on their visas or trying to get clearances to become citizens of the United States. The San Antonio office is working on the years 1998, 1999, 2000 and 2001, with just the normal legal immigration issues that are in the system now.

How are those folks going to deal with that 10 million or 150 million people that we are going to have to do all that processing on that we are going to all of a sudden anoint with some kind of route to citizenship? How are those people going to do in San Antonio, Texas with that 350,000 people that cross the border and have to have those things?

Mr. Speaker, I would submit that the evidence of what has happened in the United States since amnesty, back in the 1980s, the evidence is overwhelming that when the system becomes overwhelmed by its burden, the system breaks down to where the system doesn't work. And I find nobody even thinking out just that little simple part of this as to how in the world are you going to be able to make this thing work without overwhelming people that are in the immigration and naturalization business? How are you going to do it?

I would submit, Mr. Speaker, that is exactly what is going to happen to those folks if the Senate bill passes. I want to tell you, I keep calling this the Reid-Kennedy bill and it has a different title. But I think that is an appropriate title because this is actually a bill that was pushed through the Senate by the Democrats.

And let me tell you just a couple of examples. Among the many Democrat amendments to the bill that was submitted when they started out with the

Senate immigration legislation, our friend Mr. KENNEDY offered one that would allow illegal immigrants who have worked less than 40 days to be eligible for green cards. The amendment was adopted with the support of 42 Democrats. 41 Republicans opposed it.

The Senate legislation included a provision to award Social Security benefits, which I have already talked about, to illegal immigrants. The Republicans offered an amendment to strip this provision from the bill. Mr. KENNEDY led the fight, the Democrats cast their vote, and now, under their bill, we are giving Social Security benefits to illegal immigrants.

An amendment sponsored by Senators HARRY REID and TED KENNEDY rejected English as our national language and supplanted a Republican amendment that would have required those seeking citizenship to learn English. And guess what? That is the law. You are supposed to.

You know, when my wife became an American citizen, and that is something I ought to tell everybody and all of the Members of the House ought to know this, and I think many of them do. I certainly am not anti-immigrant. I am married to one, and she gave me four beautiful children, and she is a great American and proud to be a naturalized American citizen of the United States. But she had to demonstrate a proficiency in English to become an American citizen, as did those soldiers that I was at a ceremony where we swore them in who have served their country and earned the right to American citizenship less than a month ago when I was with a bunch of soldiers at Fort Hood, Texas who became American citizens because of their service in our United States Army. They have proficiency in English. And yet, the Democrats in the Senate don't think you need proficiency in English.

This issue, this is one I want to talk about just a little bit. This creates a lot of turmoil. Proficiency in English, English as the language.

Now, folks, if you don't know English is the national language of the United States, you are brain dead, and that is all I can say. Anybody speaking any other language than English in here today, when you respond to me, Mr. Speaker, I expect you will respond in English, and my colleagues over on this side of the aisle will respond in English, although many of them are probably multi-lingual, and some over here are, but English is the language our society functions in, and it has functioned in since we created this country.

This issue was debated by the Continental Congress. This issue was voted on by the Continental Congress, and at least the stories I have heard told is that what happened was German lost by like two votes or we would all be speaking German today. The whole face of the world might have changed. But we didn't. We selected English as the national language.

Now, are there people in this country that want to create a whole society of second class citizens who don't speak our language, so they will always be kept down on that lower rung of a society, an English speaking society?

I would submit that is a question that ought to be asked because I don't want any of our colleagues in this country, any American citizen to be a second class citizen.

We heard a very impassioned speech about the Voting Rights Act today, and I highly respect that. And let me say, I don't want anybody of any color, any background, any language, to be a second class citizen. And in order to be a first class citizen in this country you have got to be able to function in the economy and the world we live in, and that function is in English.

So you are not discriminating against people. You are giving them a lift up by saying, we need you to know how to function in an English speaking society.

But not the Senate. They don't think that is a good idea. And our Democratic colleagues in the Senate made sure that the provision that we recognize America as an English speaking land was not in there. The majority of the Democrats in the Senate voted for the Reid-Kennedy immigration bill. The majority of Republicans in the Senate voted against the Reid-Kennedy bill. So that is why I am calling it the Reid-Kennedy bill, because this is the Democrats' version of the solution for what we need to do in America today on immigration.

Now, I have talked probably way longer than I should, but I am now very happy to be joined by one of my colleagues who wanted to also be heard on this issue today, so I am going to yield to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a very distinguished Congresswoman from that fine State, and I am proud to say a member of my class in this Congress, as much time as she wishes to consume.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Texas for yielding me some time.

I come to the floor this evening to speak out against the Senate's amnesty plan because, let's be honest, that is really what it is.

Since the Senate decided to forego sensible, I am repeating, sensible border security and grant a sweeping amnesty program to illegal immigrants, everyday citizens have had to virtually consider taking matters into their own hands.

Some of my constituents have actually been sending bricks, and why they are sending bricks to us is to send a message to finish the wall, to build the wall so that we have a secure border. That, ladies and gentlemen, is what our constituents want. Obviously, if they feel so compelled to be sending these bricks to Members of Congress, they feel very strongly about it.

Mr. Speaker, our borders are hemorrhaging with Americans looking on

daily in disgust at the Senate's bill and wondering what is going on here in Washington. Instead of tougher border security that Judge Carter has said should be an absolute first step, and enforcing current laws, our constituents saw the Senate granting a free pass to law breakers.

The Senate bill is fundamentally unfair as it applies only to those who broke our laws instead of those who applied legally to come to our country. The Senate bill should be called the "No Illegal Alien Left Behind Act," because it gives aliens, for example, in-state tuition rates at colleges, and it prohibits local law enforcement from working in cooperation with border patrol to make sure that our borders are secure and that illegal aliens are apprehended.

The bill in the Senate also counts time illegally in our country toward the 10 years, or 40 quarters, that a person must work to be in the Social Security system.

□ 1745

That is just wrong. They were here working illegally.

Even their attempt to get it right is kind of wimpy. They cited English as the "common and unifying language" instead of making it the official language that we all know that it is. The Senate also says that they want a fence, but their language provides one that is too small to really do any good.

Further, in the Senate bill, it would allow 217 million new immigrants over the next 20 years. That is two-thirds of our current population. That is just not an acceptable public policy.

When I was back home over the break, I believe it was during Memorial Day, a young man asked for an appointment. And, Judge, I am sure that when people ask for an appointment, they usually want something, they want us to support something. And I always meet with people who want to meet with me who feel that compelled that they want to spend the time to give me their opinions.

And this young man was from Bosnia. And like every Member of Congress, we have people whom we will never forget, who truly touch our hearts. He was 17 years old when we went into Bosnia, and he went over to the American consulate, and he asked for the ability to come to this country as a political prisoner. And he told me a story, that he loves America so much, he actually has applied to become a naturalized citizen. And, of course, I am thinking, Okay, this is where he asks me for something.

He did not ask me for anything. He put in his application in 2001 in August. He knew that they were only up to February. But his comment was so poignant, he said, I did everything right. I didn't come here illegally. I came here under political asylum. I applied for the right to be a citizen in your great country, to be a naturalized citizen in your great country. And he

said, What really worries me is that we are going to let all of these other people in line, people who came here illegally. People who truly do not love our country.

And his comment, I just will absolutely never forget. His comment was so poignant and he was so passionate. He said, As everyone here, we don't object to their applying to come to this country, but let them do it legally. Do not let it be a back-door pass to get in the front of the line to become a citizen.

I am sure that every Member of Congress's caseload is very similar to mine. You have upwards of probably 200 immigration cases, 200, 300 immigration cases, that every single office is trying to help. These are people who came here legally. These are people who are trying to stay here legally and/or to bring over some of their relatives. And to count time illegally in our country towards Social Security is something that our forefathers must be turning over in their grave, Judge. I can only assume that.

So with the bill that the Senate passes, I am so pleased that Americans can differentiate between the Senate giveaway bill and the House bill that says we need to secure our borders first. When I am back in the district, I tell my constituents, I do not believe government can multitask. I do not believe that we can do both. I think we need to secure our borders and then look at some sort of a guest worker program that really works.

Certainly, like every Member of Congress, I have businesses in my district who are using immigrant labor. Hopefully, they are legal immigrants, but we want to have a guest worker program that truly works. But first and primarily, we must secure our borders.

I do not think that my constituents are any different than the gentleman from Texas's constituents. Actually, they probably feel even more passionately about it.

I was recently down at the border in El Paso and spoke to some sheriffs there who say, No, secure border, finish the fence. Where we were, there actually was a fence, but they are concerned about all the other areas on the border where there are no fences. And most of the sheriffs along the southern border have joined together and are working cooperatively with our Border Patrol. And that is a good thing. That is a very good thing. Under the Senate bill, they would be prohibited from doing that.

That is not what we want. If we ask our citizens back home what they really believe we should do, they want the borders secured.

I was over in my office, and I heard the good judge talking about the fact that other than Mexicans are coming over. So this obviously is not just an issue of border security and immigration. It is a national security issue. Keeping our borders secure is so important. If you do not know who is coming

and going across those borders, that is where a danger to our country, to our security, actually exists.

Those of us who are parents know that you do not reward bad behavior. I am just not certain that that is the slogan in the Senate, because it appears as if they are rewarding bad behavior. You break the law, you come here, you stay here, we do not know anything about your criminal background, and we are going to reward you. That just is not in the American tradition of fairness. That is not what our citizens want. If the Senate bill only benefits those who came here illegally, overstayed their visa or violated their visa terms, that is not what our citizens want.

Do we really want these law-breakers as new citizens of our great Nation? Should we cave to law-breakers who take to our streets waving other countries' flags and demanding rights?

Mr. Speaker, I am not opposed to legal immigration in any way, shape, or form. As a matter of fact, everyone here, their ancestors were immigrants. I have certainly come to respect the process that people go through to become Americans. Obviously, we in Florida, in particular, have a lot of immigrants who came here from a very dictatorial country, Cuba, and these people are some of the most passionate people about the rights of citizenship in America and how the illegals should go through the process legally. They want to make sure that their neighbor, the person who may be driving their children on a school bus, that they have had some sort of a background check. They are angry at people who kind of sneak in the back door and that those people might get preference to those patiently waiting in line.

And you know what? They are right to be angry. Toying with mass amnesty is a slap in the face to those who are fighting to keep our borders secure. If Congress condones the crime of crossing our borders illegally, then what have we been fighting for? If we do not mean what we say and illegal entry is okay, why even have immigration laws at all?

The Senate bill is kind of like some fashionable religions that think that the Ten Commandments are just suggestions because they totally ignore the fact that these people have broken the law. So many of us in this House believe that the key to our homeland security is border security; and I cannot agree with and I cannot support the Senate plan that pits border security against a free-for-all amnesty plan. We do not have the resources to hold back the tide of illegal immigrants, and promising amnesty will only bring millions more rushing to our shores.

The gentleman from Texas and I worked and spoke very favorably about the bill that we passed in this House, H.R. 4437. And it is a good bill that secures our borders. It is a bill that sends a very strong message that we are not

going to tolerate illegal aliens, and one that does not give away citizenship like free candy.

When I started receiving these bricks, I initially wrote back to my constituents suggesting that they send them over to the Senate. But I am afraid that once the Senate passed that bill, they will not be sending them. They might be throwing them.

Judge Carter, I appreciate the opportunity that you have given me this evening to join you in discussing the differences between the Senate and the House plan.

Mr. CARTER. Mr. Speaker, I thank the gentlewoman from Florida for joining me here and giving a very good presentation of what a Representative of another State besides Texas feels about this, one that is not on the border, but sees the crisis on the southern border of the United States. And, again, I thank the gentlewoman for joining me.

It is my understanding, Mr. Speaker, that my time is about to run out. I want to tell you that one of the things we all in the House should be proud of, and we over on this side of the aisle, the word I am hearing is we are going to stand fast and we are not going to reward unlawful and illegal behavior by giving a free ride to anybody. We are going to say we will enforce our border, and then we will take a hard, studied, intelligent look at what we need to do to deal with the rest of these, part of the big picture, but not crisis issues that are addressing our country today.

And we have got great thoughts and great ideas, biometric identification on your Social Security. Many, many great ideas, all of which we should take our time, do it right, because with all I have talked about, about enforcement of the law, which is my background, I still remember we are talking about human beings. And if we do not plan right, with compassion, do it to where it makes sense, then a couple of questions come to mind. If our bureaucrats get overwhelmed, what happens to the people that are here? They are going to be overwhelmed too. And what are they going to do? Stay in the shadows.

I hear so many people using the rhetoric, "You can't deport them all." I have not heard anybody in this House talk about deporting them all. But if they do not get in the program because it is so overwhelming and it is not well planned and they stay in the shadows, then what do we do with them? Nobody has even talked about it. They assume everybody is just going to just step up and say, It works like a clock, no problem, we will all be processed in 30 to 60 days, hallelujah, praise God, we are Americans.

Mr. Speaker, it has not been thought out. The plan submitted to us, the Reid-Kennedy bill, it does not have any of these hard questions thought out. And it will bring worse chaos to a chaotic system that has laws in place we could enforce today.

I hope that our friends across the country will contact our friends in the Senate and say, please, let us think this national issue out long and hard and right, always promising we are going to resolve it. I am not saying run from it, but let us go where the bleeding is.

Go to the border. Stop the bleeding. Enforce the House bill, border security first. And with that, Mr. Speaker, we will be walking down the road to making a better life for all those who wish for liberty, freedom, and economic security of the greatest Nation on Earth.

I thank the Speaker for giving me the time to address this House tonight.

□ 1800

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, we appreciate the opportunity again for the 30-something Working Group to be down here to talk about issues that are pressing not only to the country but to those people who are in their 20 somethings or 30 somethings and how some of the policies here in Washington, D.C., are playing out in their day-to-day lives.

The previous speakers talked a lot about making sure that we secure our border, and the Democratic Party has been very supportive of trying to fund Border Patrol and take different measures that we are going to make sure that we did actually secure the border. I think all Americans can agree that if we do not secure the border, any policy that we try to deal with afterwards will not be effective until we actually do secure the border.

I would like to go through a list here of different amendments that Democrats have tried and tried and tried to get passed since 2001 that the Republican majority has voted against. Now, this is not a partisan issue. You would think it is an issue all Americans should be concerned about, but sometimes when you get one-party control of the House and the Senate and the White House, you get obstruction and this is what happened. These are all dated and these can all be found on our Web site.

In 2001, vote 454, November 28, Republicans voted against consideration of an amendment that would have added \$223 million for border security. In 2003, another one, Republicans voted against consideration of an amendment that would have added \$300 million for border security. 2003, vote 305, Republicans once again voted against consideration of an amendment that would have added \$300 million to enhance border security, adding border agents and inspectors along our border. June 16, 2004, vote 243, Republicans voted against

consideration of an amendment that would have added \$250 million, Mr. Speaker, in order to meet the promises that the Republican majority made regarding the PATRIOT Act. Again in 2005, vote 160, Republicans again voted against a motion to send a report back to conference with instructions to add \$284 million. And for fiscal year 2006 and 2007, Republicans have repeatedly broken the promises they made on border security in the intelligence reform bill, the 9/11 Act of 2004, which included 2,000 additional border patrol agents, 800 additional immigration agents and 8,000 additional detention beds per year from fiscal year 2006 to 2010.

Democrats have consistently tried to increase border security, and the Republican majority has consistently voted against it. I am not done. Again, 2005, vote 174, Republicans voted against consideration of an amendment that would have added \$400 million for border security to meet the promises that Congress made for the 9/11 Act, again increased immigration agents, increased border patrol agents.

2005, vote 187, Republicans voted against a Democratic substitute to the homeland security authorization bill that was designed to fulfill the promises again in the 9/11 Act, and it goes on and on, again vote 188, in 2005; vote 56 in 2006; vote 210 in 2006 in May, where the Republicans finally voted against consideration of an amendment that would have added \$2.1 billion for border security.

We have tried and tried and tried to put the proper legislation and the proper funding in place, Mr. Speaker, to secure our border, and that needs to be the message. Before we get on to any other discussion regarding immigration in the United States of America, if we do not secure that border then nothing will matter, and that is exactly what we have been trying to do.

I think, Mr. Speaker, when you look around the world, and it hit me as I was reading the Sunday Times from this past Sunday, why it is so important for the United States to maintain a strong position in the world, promoting peace and democracy and liberty and freedom and capitalism, all of the basic tenets of our society, all the basic structures of our society. If America does not do it, it will not happen, and it will not happen.

All you have to do, if you do not believe me, we like the third party validators here, look what is happening in Russia. We hear a lot about what is happening in China, crackdown, dissent, human rights abuses. We hear a lot about what is going on, currency manipulation, suppression of religious freedom, but look what is going on in, quite frankly, state-run enterprises that are putting American businesses into bankruptcy.

We also see what is happening in Russia. Russia offered to help North Korea protect their nuclear weapons with technology, and then this is a special report in the paper, the Kremlin

tightens reins on free market, where President Putin is having a Cabinet meeting and those major members of the Cabinet are also running major enterprises in the state.

It is imperative for the United States of America to maintain this position of strength, and it is nice to see that I have been joined here by my friends from Florida and from Boston and our other friends who made it here, too, to have this discussion about why it is so important for America to maintain this position. The Democrats have consistently tried to take this country into a new direction, into another direction and get ourselves out of this wageless recovery and this endless occupation that we are in.

I would be happy to yield to my good friend from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank Mr. RYAN for yielding the time.

As I was waiting to come over, I had an opportunity to watch our friends and colleagues on the other side of the aisle speak about immigration, and I discovered something tonight, and that is that they really have a great sense of humor.

Now, we know individual Members over there that are friends of ours, we enjoy them, and they have a sense of humor, but collectively they have a sense of humor. They were eloquent in their comments and their observations, and I noted that they continued to refer to the Senate bill, Mr. Speaker, as the Reid-Kennedy bill. Well, I guess we must be playing some sort of funny game because I am going to ask my colleagues to help me.

Whatever happened to JOHN MCCAIN? Did he just disappear? I thought it was Senator MCCAIN, who there is a rumor, Mr. Speaker, that he might be a candidate for the Republican nomination for President, that he had something to do with that Senate bill. Has anybody seen Senator MCCAIN? Congresswoman WASSERMAN SCHULTZ, have you seen Senator MCCAIN?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am going to have to get out the bloodhound.

Mr. DELAHUNT. Congressman RYAN, have you seen Senator MCCAIN? It used to be the McCain bill, and now it is the Reid-Kennedy bill. I mean, who is kidding who?

Now, you have a Senator, I believe, from Florida by the name of MARTINEZ, Senator MARTINEZ. I thought that he was involved in the amended version of the Senate bill that eventually passed. Am I correct?

Ms. WASSERMAN SCHULTZ. My understanding, Mr. DELAHUNT, is it was Senator HAGEL, Senator MARTINEZ, Senator MCCAIN. So how this became the Reid-Kennedy bill—

Mr. DELAHUNT. Do you think it has anything to do with politics?

Ms. WASSERMAN SCHULTZ. No.

Mr. DELAHUNT. You are all silent. I mean, can you help me, please? I am just confused, Mr. Speaker. Whatever happened to JOHN MCCAIN? Does he

still support this bill, this possible candidate for the Republican nomination for the presidency in 2008? Whatever happened to Senator MCCAIN?

Mr. MEEK of Florida. Mr. Speaker, well, let me just say that it is an honor being here tonight with my colleagues and 30-something Working Group, and I am so glad that Mr. RYAN was here to catch the hour. I notice that he has taken the high road here or the high ground here tonight, and it is so good to be in the well.

But I just want to say to Mr. DELAHUNT, it goes back to our discussion the last two evenings. Our Republican colleagues on the Republican side of the aisle, which is the majority, what is not a great value of that majority and the leadership is being straight with the American people.

Mr. DELAHUNT. Well, yeah.

Mr. MEEK of Florida. So this is a consistent theme of not being straight with the American people. They take value in not being straight with the American people, need it be deficit spending, record breaking borrowing. I read an article just last night or the night before as it relates to the President saying that we have to send a message to Congress that we want control on spending and their appetite on spending the taxpayers' dollars, to let the American people know that we are fiscally responsible. Then the next day signing the largest pork barrel bill, transportation bill in the history of the republic. Being straight with the American people. Not a week later, but the next day.

Telling us here on this floor that a prescription drug program costs one thing, find out a week or two later that it has doubled in costs, and then months later, several hundred million dollars more.

So when we start looking at being straight with the American people, and I think that is the frustration of Republicans and Democrats and Independents, and voters, period, out there is the fact that the Republican majority has decided that being straight with the American people and leveling with them is not a value. Oil prices, price gouging, protecting special interests, K Street Project, a number of other issues that are here on this floor with the special interests takes the high ground, and they are protected and the American people are not.

When we talk about the minimum wage, Mr. RYAN has the charts over there, 1997, there has not been an increase in the minimum wage since 1997, and on that chart we have the Republican leadership saying not over my dead body is this going to happen, in so many words, that we are not going to allow it to happen.

Here on this chart you have the minimum wage down here. Mr. DELAHUNT is familiar with this. 1997, you know, starting with the oil, starting with the minimum wage here, zero. Here in 2006, it has been that way since 1997. Whole milk has gone up 24 percent; 25 percent,

bread has gone up; 4-year public college has gone up 77 percent; health insurance has gone up 97 percent; and regular gas has gone up 136 percent and still climbing.

We have folks here that are saying, hey, give us a pay raise. I am going to tell you right now, if someone has to keep two homes and travel between and do all of those things, yeah, I would like a pay raise, but at the same time I have a conscience about this.

Our leadership has said, and we have said that we are not going to take a pay raise unless the American people get a pay raise.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I interrupt only because I want you to read the quote from the Republican majority leader about where he is and his conference is on the minimum wage increase.

Mr. MEEK of Florida. Well, he is a good friend of mine, but I am just going to read this because I think it is important. I guess this is the position here: I have been in this business for 25 years and I have never voted for an increase in the minimum wage. I am opposed to it, and I think that a vast majority of our conference is opposed to it. That was just June 20 of 2006.

I mean, obviously this is the philosophy that has been picked up all the way from the former Member of this House who was the majority leader because it has not been increased federally since that time.

Mr. DELAHUNT. Mr. Speaker, I have to get back to the point that you made when I yielded to you about the missing JOHN MCCAIN. Since tonight listening to their remarks about immigration, somehow they want to put it on the Democrats that the problem is and was created by Democrats.

□ 1815

Well, nothing could be further from the truth. I mean, if you want to give this Senate bill a label, the truth is, it is supported by President Bush. Now, can you help me? Is President Bush a Republican, Mr. MEEK, or is he a Democrat?

Mr. MEEK of Florida. I think the President and some members of his party are struggling to know what his party affiliation is. Because I know some Republicans that are very concerned about what the President has done and what he is doing. But he says he is a Republican under the line that he is a fiscal conservative, but that is not the case.

So we do not know what to believe. Ideological wise, he is a Republican President, but at the same time some of the stuff we hear here on the floor would say that it is some other kind of party or philosophy that is out there.

But to the answer your question, yes, he is a Republican President.

Mr. DELAHUNT. So he is a Republican. So why do not we refer to it then as the Bush-McCain bill that is distinct from the other bill?

Mr. MEEK of Florida. I personally, I am representing the 17th Congressional

District of Florida, you know Dade and Broward County. But, you know, I do not want to be them, Mr. DELAHUNT. I do not want to come to this floor and start talking about what they are saying, so we are going to rebut what they are saying. I do not want to be them. I want to make sure that we are who we are.

We are being straight with the American people. If it is the Bush-McCain or it is the Kennedy-Martinez bill II, Arlen Specter bill II, so that if someone sees us here on the floor and they heard, well, they call it the Bush-McCain bill, they say, well, they left the Democrats out, and then we have just done what they have done. I know how that can be contagious sometimes because it happens so much here on this floor.

Mr. DELAHUNT. I am not going to refer to it again as the Bush-McCain bill.

Mr. MEEK of Florida. I know you are just making a point, sir.

Mr. DELAHUNT. I am so glad that you were witnessing that. I was in the oversight committee and I could not see it.

Mr. DELAHUNT. I know that we worked hard. And I will yield to the gentlewoman in a moment. That we have worked hard to secure the borders. That is what we have been trying to do for the past 6 years.

I am going to refer to my notes here for a minute.

We, as a party, have filed amendment after amendment as appropriations bills have come to the floor. If they had been adopted, there would be 6,600 more Border Patrol agents today patrolling our border, 14,000 more detention beds, and, Mr. Speaker, 2,700 more immigration agents along our borders than now exist. But those amendments were not adopted because the Republican majority voted against them. That is why. That is why we have the problem today that is causing this contentious atmosphere in this Chamber and in the other Chamber.

But let's speak to the truth. Let's not just simply politicize this debate. Let's put the facts out. Who has been in charge of this institution for the past 12 years? It is the majority Republican party, Mr. Speaker. And across this Capitol building, who has been in charge, Mr. Speaker? It is the Republican Party, and George Bush has been the President of the United States since January of 2001.

Today we have a problem with illegal immigration. Who is responsible?

MS. WASSERMAN SCHULTZ. Mr. DELAHUNT, let's play a game. Let's see which caucus is really for border security and which conference is playing "let's pretend." And we will deal just with facts here, just with factual information, unlike what they do, which is either, A, make it up as they go along; or, B, say something that is not true enough times so that people believe it; or, C, just pick and choose the numbers that work best for them and represent that they are doing something when

they are really not. So any of those three things is what happens on the other side.

Here is the reality on border security, Democrats versus Republicans: From 1993 to 2000, under the Clinton administration, on average, 642 new Border Patrol agents were added every year. Despite the fact that 9/11 highlighted the need for more border security, in its first 5 years the Bush administration added, on average, only 411 new Border Patrol agents.

Under the Clinton administration, 642 new Border Patrol agents were added every year. Under this administration, since 2001, since 9/11, only 411.

It gets better. Between 1999 and 2004, we are talking about enforcement, you know what, the Republicans talk a good game about it, we have got to increase enforcement, we have got to make sure that we crack down on illegal immigration, we have got to make sure that employers are not harboring illegal immigrants and breaking the law in hiring them. Well, let's see if they really mean that.

Between 1999 and 2004, work site immigration enforcement operations against companies were scaled back 99 percent by INS. Subsequently, INS was merged into the Department of Homeland Security and now it is called CIS. But in 1999, the United States, this is the year before President Bush took office, the United States of America initiated fines for hiring illegal immigrants against 417 companies. Mr. DELAHUNT, in 2004, it issued fine notices to three companies. Three.

1999, the year before President Bush took office, the United States initiated fines against 417 companies for hiring illegal immigrants. In 2004 they initiated three.

Mr. DELAHUNT. So in the space of some 5 years, enforcement actions against employers who were hiring illegal immigrants—

MS. WASSERMAN SCHULTZ. I have another one. The Bush administration also has a worse record than the Clinton administration on pursuing immigration fraud cases. In 1995, during the Clinton administration, 6,455 immigration fraud cases were completed. In 2003, guess how many? One thousand three hundred eighty-nine, 78 percent fewer immigration fraud cases completed.

And then if you take the statistics that they brag about, the Bush administration brags that in its first 5 years it caught and returned 6 million undocumented individuals. That is actually a drop from any 5-year period that you can demonstrate during the Clinton administration.

So that is what I mean when I say they just put up the statistics that make them look good and leave out all the other relevant information.

Mr. MEEK of Florida. Mr. Speaker, number one, we need Mr. Manatos and others to get us a chart on that.

MS. WASSERMAN SCHULTZ. We have got to have a chart.



Mr. MEEK of Florida. We have got to have a chart. Because, folks, they cannot quite capture those numbers on that small piece of paper you have. If a Member was in his office or her office watching us here on the floor, we want them to visually see their track record on what they have done.

It reminds me of when the President flew over the Hurricane Katrina-affected area and came back to the White House and said, We are sending food and water down, and blankets, and this is just the beginning.

Well, that was 3 days after the storm. And I can tell you this right now, in the heat of the summer, I do not know what good blankets would have done, but that is a whole other issue.

The bottom line is, just because they say it, and I am taking from Gingrich, just because they say it, "they" is what Mr. Gingrich is calling the Republican majority, just because they say it does not necessarily mean that it is true. It does not necessarily mean, just because they say it, that it is true.

I will share what Mr. Gingrich has called this Republican majority. We do not have to do it; Republicans and Americans are saying it. This is the former Speaker of the House, Mr. Speaker, who said in the Knight Ridder newspaper, Friday, March 31, 2006, "They," talking about the Republican majority, "are seen by the country as being in charge of a government that cannot function."

And this is what we are seeing, Mr. DELAHUNT. Folks coming to the floor seeing things that they know are altered. They are altering it. They are saying, well, this is the written word and these are the facts. But that is not good enough for me; I am going to erase it, and I am going to go to the floor and I am going to fool the American people. I am going to mislead the American people, because it is an everyday occurrence here by this majority.

And the reason why so many Democrats, and I would say a very few Republicans are outraged by the fact, when they hear the facts, when we all sit in our offices and we hear altered information; we have third-party validators. If we say the U.S. Department of Treasury came up with these numbers, they came up with the numbers. If we say that the deficit is record-breaking borrowing in the history of the Republic, we have third-party validators.

Some Members come to the floor, and it is their prerogative, and if they want to mislead, let them mislead. But we are going to make sure that we continue here in the 30-Something Working Group and on this side of the aisle, in sharing the truth with the American people. This is not a place where someone comes up and says, this is a Democratic Party meeting or this is a Republican Party meeting or this is a Reform Party meeting, Ms. WASSERMAN SCHULTZ, this is the U.S. House of Representatives, the People's House the

only Chamber that you have to be elected to.

You can be appointed as Senator by a governor. But you have to be elected to the House. There are no appointments here. So I think it is important that folks really appreciate what we are doing here.

Ms. WASSERMAN SCHULTZ, I want to thank you for bringing those numbers, and I want to make sure that we get it into a chart.

Let me just say this real quick. I have got this chart here, just as an example of who we are as it relates to sharing information that is accurate, versus some on the majority side that are well documented for not sharing accurate information to not only the Members of Congress and the minority side and some of their own Members, but also the American people.

Case in point: \$1.05 trillion that President Bush and the Republican Congress that you see here, borrowed from foreign nations, foreign nations, between 2001 and 2005. \$1.05 trillion have dethroned—that is the new word—42 Presidents before this President; 224 years of the history of this country, they have only been able to borrow \$1.01 trillion.

Now, Mr. DELAHUNT, this is my point. This is from the U.S. Department of Treasury, it is right here. Folks can go on the Web Site and get it. Now, if we were meeting in the 30-Something Working Group and say, well, \$1.05, well, maybe we need to, even though it happened all in 4 years and it took 224 years for this to happen, let's say \$1.09, that sounds better. That would be misleading the American people and the Congress.

Members are on the floor, and they take what we say to be truth to power, that we come and we are here leveling on behalf of the American people. We are not here to say what sounds good or what would sway a certain segment of the population to feel one way or another.

Folks woke up early one Tuesday morning from representation, not for someone to mislead them through statements here on this floor that are not accurate. That is the reason why we are in the situation that we are in now. Even when it comes down to the war in Iraq. Even when it comes down to the pursuit of Osama bin Laden in Afghanistan.

The information is not accurate that has been shared with the American people and that is the reason why so many individuals are suffering as it relates to gas prices. These gas companies and these petroleum companies have been allowed to come into this Chamber with Members carrying their will and voting the way that they want them to vote against their constituents.

This is something that we all feel passionate about and the American people feel passionate about. And, Mr. RYAN, as I yield to you, as they go to the pump and hesitate before they put

their debit card or credit card or whatever it may be into that pump about, how much is it going to cost me today to fill my tank up, they need to think about the individuals that are allowing these petroleum companies to take advantage of the American people, misleading the American people. And if I had my way and we were in the majority, I tell you, I guarantee you, that that practice would no longer take place. And when it does take place, we will come to the floor and knock it down.

I commend Mr. DELAHUNT for bringing the misleading of the American people as it relates to information on who is sponsoring immigration bills in the Senate, and pointing out the fact that there would not be an immigration bill that passed out of the Senate if it was not for the Republican majority voting in the affirmative for the legislation, the same way as here in the House.

□ 1830

Mr. RYAN of Ohio. The same thing with the deficit. With the fourth largest annual deficit in the history of the United States of America, the President makes his way out, Madam Speaker, and touts it like it is some great success, like we should all be pounding our chests and proud of this. The fourth largest deficit in the history of the country. And we are borrowing the money from Japan and China and OPEC countries and all these other countries that give them real leverage on us when we try to act in a diplomatic way, whether it is with North Korea or Russia or China or whatever it may be.

What would the Democrats do and what have the Democrats attempted to do time and time again? The Democrats have tried to reestablish the PAYGO rule, and we have tried to do it numerous times in the past several years.

Now, what is PAYGO? PAYGO basically says that we will not spend any money in Congress unless we can pay for it. We are not going to go out and borrow the money. We have got to pay for it. Here it is, and there have been numerous—this is just a couple: The Spratt substitute for the budget resolution in 2006 failed, not one Republican voted for it, rollcall vote number 87.

We are not making this up. We tried to put PAYGO rules into the budget process and the Republican Congress voted against it, because that would limit their ability to provide corporate welfare to the oil industry, to subsidize tremendously the health care industry. Again, Congressman SPRATT, vote rollcall number 91, failed again for the budget resolution in 2005, 194 to 232. How many Republican votes? Zero.

And I know DENNIS MOORE has tried to do it, Charlie Stenholm, when he was in Congress, he tried to do it. Time and time and time again, Ms. WASSERMAN SCHULTZ, Democrats have tried to implement basic structural

changes so that we could balance the budget.

It is not a coincidence that when President Clinton was in and the Democrats passed the budget in 1993 and we began to implement some of these rules, we had a tremendous explosion of economic expansion that lifted everyone up; and then, in 1997, passed an increase in the Federal minimum wage which, actually—there is a statistic here that I just love from American Progress, 4 years after the last increase in the minimum wage, the economy enjoyed its strongest growth in over 3 decades, adding 11 million new jobs. And, the small business employment between 1997 and 2003 grew more in States that had a higher minimum wage than the Federal minimum wage.

Raising the minimum wage is good for the economy. It is a different philosophy, it is different, but it works.

Ms. WASSERMAN SCHULTZ. That makes me want to pull out another third-party validator, because this week we got to experience the exciting midyear opportunity to hear the President with his Republican leadership surrounding him to cheerlead the supposed success they have on the economy.

Now, it would be one thing if we were standing up here as DEBBIE WASSERMAN SCHULTZ and TIM RYAN and KENDRICK MEEK and BILL DELAHUNT and saying, well, that is a lot of baloney. Anyone in America looking at this economy and looking at this deficit would say, what is there to celebrate about?

But it is not just us. This morning editorial page in USA Today had this to say about the midyear review of the economy that the administration just trotted out.

They say, "Forgive us if we don't break out the party hats. It is hard to get excited about an abysmally large deficit in the range of \$300 billion that is somewhat less gargantuan than earlier predicted. Even accepting the administration's assurances that it does not purposefully overestimate the numbers in a Wall Street-like game of beating expectations, this habitual midyear crowing masks the seriousness of the Nation's bleak fiscal outlook."

Well, if that doesn't say it, all right there in a nutshell, I don't know what does.

Mr. RYAN of Ohio. There was a gentleman at work who worked for President Bush, Douglas Eakin. Holtz-Eakin, former director of CBO for President Bush said, "The long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year." This guy used to work for President Bush.

Ms. WASSERMAN SCHULTZ. And what they were doing this week is saying, Wow, the deficit wasn't \$423 billion, it was only \$300 billion.

Now, what is clear, and what USA Today is not letting the President get away with, is that they began by inflating the number that they said the deficit would be at, so that when what

happened occurred, when they knew it would be much lower than that, it would look like an accomplishment.

Well, if they are excited about a \$300 billion deficit, then I really want to know what their definition of fiscal responsibility is, because that apparently for years has been the cornerstone of the Republican Party's platform, that they are fiscally responsible. A \$300 billion deficit is fiscally responsible. And then on top of that they are passing tax cuts for the wealthiest among us? And this is how those tax cuts break out for folks?

I mean, we just passed a tax reconciliation bill just a few weeks ago that, if you look at how it benefits people by their income, this is what it really boils down to: That tax cut bill, which virtually all the Republicans voted for, if you make between \$10,000 and \$20,000 a year, which is around minimum wage, the one that they haven't raised since 1997, you get about enough back to buy a Slurpee. If you make between \$40,000 and \$50,000 a year, somewhat more than minimum wage, you get enough back in that tax cut bill offered by the Republicans to buy a gallon of gas.

Mr. MEEK of Florida. Maybe.

Ms. WASSERMAN SCHULTZ. Maybe. Because depending on how high the price goes, you actually might not get all that back.

But then let us look at the folks who make more than \$1 million, you get enough money to buy a Hummer.

Now, I don't know about you, but I really think, if we are going to pass tax cut legislation at all, if we are going to give tax dollars back to the people, first and foremost, let's eliminate the deficit. Do you keep passing—I mean, tax cuts are spending, Mr. MEEK. It is not free. We don't just print more money.

I just took my 7-year-old son to the Mint yesterday, and I watched them print the money. But the tour guide didn't tell us, "You know, when we run out, we just print more." It doesn't work that way. They obviously didn't go to Econ 101; otherwise, they wouldn't think it was responsible to do what they have been doing.

Mr. RYAN of Ohio. And just to clarify, if you don't mind, Ms. WASSERMAN SCHULTZ, as you stated, we do not have the money to give to these millionaires to go out and buy a Hummer. So where do we get it? I don't know even if we have a chart here.

Mr. MEEK has a chart. I will yield to the gentleman in a minute.

Mr. MEEK of Florida. I will give you my chart.

Mr. RYAN of Ohio. We don't have the money to give, so we have to go out and get it somewhere. We borrow this money from China, OPEC countries, Japan, to give to a millionaire so that he can get a Hummer.

No American, I can guarantee you, believes that that is a good idea. That can't be a good idea. Because now we owe China money, and we have given

the wealthiest people in our society a Hummer, and our kids are left to foot the bill.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, you have people in America who, the agony and the angst in the pit of their stomach that they have over their credit card debt and the things that they actually need, like the ability to fill up their gas tank, I mean, the churning that we know is going on inside of mothers and fathers across this country over how much debt they have versus what they have coming in.

I guess that churning isn't going on on the Republican side. There doesn't appear to be any angst, there is no hand-wringing, there is no worrying about it. Where is the outrage? It is nonexistent. They just keep spending and spending and spending. The deficit keeps ballooning, and then they say, Yeah, the deficit isn't \$423 billion, it is \$300 billion.

Well, it is just, it is too shocking for words. And then they have the nerve, Mr. MEEK, to call themselves the party of fiscal responsibility. It is a joke.

Mr. MEEK of Florida. Thank you, Ms. WASSERMAN SCHULTZ. Just because they say it, "they," going back to what Mr. Gingrich has called the Republican majority, he who used to be Speaker of the House but now calls his former colleagues "they" because it is foreign to him now, "Just because you say it doesn't necessarily mean that it is true."

Now, Mr. DELAHUNT, this is true. What is true is the fact that we have borrowed \$53.8 billion from Canada because we can't afford to pay our bills, so they bought our debt. Korea, \$66.5 billion. Germany, \$65.7 billion. OPEC nations.

Who are these OPEC nations? We hear about them on the news, but we don't know who they are. They are Iran, they are Iraq, they are Libya, they are Saudi Arabia, they are Venezuela, Nicaragua, Kuwait, United Arab Emirates, Ecuador, and on and on and on, Qatar, on and on and on. They have said, since America and the United States majority House of Representatives and the President wants to overspend and give away the money and they can't afford to do what they are doing, we will buy their debt. Taiwan, \$71.3 billion. The Caribbean, \$115.3 billion. The U.K. is at \$223.2 billion. And you have China that is at \$249.8 billion and Japan which is at \$682.8 billion. And folks wonder, why are we in the situation where we are now?

It pains me to silhouette the country, silhouette of the continental United States and put those countries over it, but we have to break this down and let the American people know this is not about party, this is not about what you may feel about a man or a woman representing you.

This is about representation for you. Forget about what convention you went to last time. Forget about if you have an R or an I or an Independent. It is about America. And what the Republican majority has done effectively,

they have borrowed themselves into a situation so that when parents are going to schools, let us just look at this, here is the education budget and what we invest in education and this is in the billions as relates to this chart.

This is what we invest in homeland security. This is in the billions. Our veterans allowing us to salute one flag, Mr. RYAN, this is what we invest in veterans and their health care and their needs. And, this is what we invest, thank you, a la the Republican majority here in this House, the rubber-stamp Congress and the President of the United States, who I do not fault personally. I don't fault the President for doing what he does. I fault the U.S. House of Representatives and the Senate for allowing it to happen with very little oversight.

Mr. RYAN of Ohio. I wouldn't be too complimentary. This President hasn't vetoed one spending bill, and he comes to the Rose Garden and says the Republican Congress needs to control their spending. He has not vetoed one spending bill.

Mr. MEEK of Florida. Because you came in on the back end of my words, I am telling you this. The President is the President of the United States. At the end of his term he can no longer run for President of the United States.

Guess what the difference is between Members of Congress and the President. We are up every 2 years. The American people can bring about change in November, and then a transition of power in January for representation. No matter what their party affiliation is, I know Republicans personally that I know that I represent in my own district and outside of my district that have a problem that we are spending more on the debt, paying down the debt, than we are investing in education, homeland security of all things, and veteran affairs.

There are individuals right now, and I just went through the veterans hospital during the Fourth of July break to go visit those individuals that just returned to Iraq and Afghanistan and those individuals that fought before them, and I can tell you they are not getting what they deserve. They are having to wait in some rural areas because the rural clinic is only open 2 days out of a month.

These are the people that have laid their blood down. These are the people that their friends have died beside them, and they are asking them to suck it up.

Meanwhile, back at the ranch, the Republican majority is allowing this debt to overwhelm. You can stack eight of the veteran investments up to the debt, you can stack lower homeland security probably 10 up to the stack as it relates to the \$250 billion that we are paying on the debt. And as it relates to education, you can go two more times as it relates to investment in education. And, meanwhile, folks come down here with a straight face, Mr. DELAHUNT, and say that we are fis-

cal conservatives and we know how to govern?

□ 1845

The American people know it. That is the reason why the polling is showing they are fed up with what is going on here. They are willing to give Democrats or somebody else an opportunity to lead.

Mr. RYAN, that is the reason why I said that I am not concerned with the President of the United States. He is going to do what he has been doing and will continue to do. Just like he said, if there is going to be a change in Iraqi policy, that is something for future presidents, not him. He said that as though he lives in a kingdom. This is a democracy.

The only way we will be able to represent those troops and those individuals that deserve representation is that the American people are fully aware and educated with the facts, and that is the reason why we are on this floor, to share that.

Mr. DELAHUNT, thank you for yielding, sir.

Mr. DELAHUNT. Well, I think you have summed it up. What irony that at this moment in American history the American people are borrowing from Communist China so that the most affluent among us, truly the most affluent among us, 1 percent of the population, receives a disproportionate tax cut. I mean, if this was written in a novel 10 or 15 years ago, people would be shaking their heads.

We are borrowing money from Red China so that the wealthiest Americans can buy a Hummer, because that is really what is happening. That is connecting the dots. Of course Democrats support tax reduction, or tax cuts, tax cuts that are fair. That is the difference. You know, a family that is supporting their sons and daughters in terms of their tuition bills for college education, there should be tax credits, there should be tax deductions. I mean we could list a vast number of thoughtful tax cuts that would benefit everybody, that would benefit the middle class rather than creating a society in these United States of those that have and those that are getting less and less every day. Real income, real income for that family right square in the middle of our population has declined, and that is why people are unhappy.

And of course we are all supporting with our tax dollars the war in Iraq. It is costing us \$8 billion a month, or \$2 billion a week. Just imagine if that money was going into building roads here, to rehabilitating schools, to providing scholarships for American children to go to college, to invest in our national health system what we could do with that money. But we are doing all of those things not in the United States, we are doing it in Iraq. And we are losing the war on terror because of the distraction by this administration from the real enemy, because they wanted to go to war in Iraq and remove

Saddam Hussein, and that is what is happening in this country.

Yet you are so right, Mr. MEEK. What do we hear? We hear, boy, there is an immigration problem and it is a hot button issue. And it is a hot button issue. But they refuse to accept responsibility. It is like they live in an alternate reality. It is not the real world. How did we get to the point where there are somewhere between, the numbers I hear are 10 million to 12 million illegal immigrants? Because they refused to provide the funding for detention centers, for immigration agents, or for border control officials.

When we brought them to the floor, and I know that I voted for those increased fundings, yet we hear from our friends today about they are standing up, but I wonder how they voted. I would hope that each and every Member of this Congress on both sides of the aisle would go back, review their voting record on all of the amendments that we put forth to increase border security and see how they voted, and then come to this floor and acknowledge that vote before they speak.

Mr. RYAN of Ohio. If the gentleman would yield, it is not just the eight or nine that I listed, as you were probably walking down here, the eight or nine times that Democrats have offered to increase border security and border patrol and actually fund it and not just make the promise to do it. Think about the Medicare prescription drug bill. One of the first things we will do when there is a change of power in January is make sure that with the Medicare prescription drug bill we will allow the Secretary of Health and Human Services the ability to negotiate down the drug prices to save the taxpayers' money.

Now, that is good policy from any party that is running the government, but our friends on the other side have refused to implement that basic thing. So we have tried for border security, we have tried to reduce the cost of the Medicare prescription drug bill, giving the Secretary of HHS the ability to negotiate down the drug prices, and we will increase the minimum wage on the first day we are here when we take over in January. That means a pay raise for all Americans because that will trickle up and push everybody's wages up.

That was proven. When we raised the minimum wage in 1997, the economy grew 11 million new jobs. And in the States that had a higher minimum wage than the national minimum wage, there was increased numbers of small businesses that were created, new start-ups, and retail small businesses were increased. This is good for the economy.

In the first week we will be here in January, we will reduce student loan interest rates and we will cut them in half, both for parent loans and for student loans. We will have a significant impact in the lives of many, many Americans just in the first couple of

days from what we are going to pass out of the House: Increase in minimum wage, lower student loan rates for you and your family, increased border security, and allowing the Secretary of Health and Human Services to begin to negotiate on behalf of all the Medicare recipients.

This is not brain surgery. We are not saying we have this grand elaborate scheme that we cooked up somewhere and we are bringing it before the American people. This is basic fundamental stuff. But when you are not so attached to the special interests, when you don't have a K Street Project in which there is this give and take with the big lobbying firms down here, you are able to govern in a way that benefits all of the American people. And that is what we are trying to get at.

Let us take the country in a new direction, where we have a philosophy where everybody contributes to America and everybody benefits. We are actually looking out for the common good. We will provide for the common defense and we will increase the common wealth.

You know, I go to some of these States like Virginia and Pennsylvania and Massachusetts, and they are all commonwealths. That philosophy, what do we have in common, how can we pool the common wealth to benefit everyone? Everyone contributes and everyone benefits. And what we have now, Mr. DELAHUNT and Mr. MEEK, is a situation that has set up a system that has been corroded and corrupted. Now, I am not saying by individual Members. I think over time this happens.

Jefferson said that every few years we need to have a revolution. Well, we need a bloodless rebellion to shift power out of the hands of the Republican controlled House, Republican controlled Senate, and the Republican White House. This is George Bush's Congress, Mr. DELAHUNT. Let us make no mistake about it. They do what he says. They follow his lead. They are afraid to stand up to him.

He hasn't vetoed one spending bill or one bill that this Congress has passed out. They rubber stamp the Bush philosophy and they consistently agree with the President. This is his Congress.

I yield to my friend.

Mr. DELAHUNT. Well, I think that is underscored by the fact when we hear them express concerns about immigration, about illegal immigration, we have not heard a single voice from our friends on the Republican side criticizing the President for the failure to enforce. Well, maybe one voice. Maybe he is here tonight. But no criticizing the President for the failure to enforce our immigration laws, particularly against employers.

Imagine, three enforcements against American businesses for hiring illegal immigrants in the year 2004 when in the last year of the Clinton administration there was far in excess of some 400. That is a disgrace. And it is the respon-

sibility of this Republican Congress to criticize their lack of aggressive oversight on this issue. The problem has become all of ours, but it was created by the lack of funding to strengthen our borders while Democrats have been putting forth proposal after proposal to increase those numbers.

With that, I yield back to my friend from Ohio.

Mr. RYAN of Ohio. I appreciate your yielding as we begin to wrap up. Maybe Mr. MEEK could get that chart down there and give us the Web site as we begin to close.

I think you can be an amateur historian to recognize what has happened here; that in 1994 there was a move afoot to change things. Newt Gingrich, Dick Armey, and there was a crew of them who came to this floor, like we come to this floor, and like we will continue to come to this floor, to talk about issues. They were talking about balancing the budget and they were talking about instilling fiscal discipline. Mr. MEEK showed earlier the quote from Mr. Gingrich, and I read last week in the Boston Globe a comment from Dick Armey, the former House Republican leader, who said "I'm not sure what this Congress has accomplished."

These are two of the main leaders of that revolution. The Republicans have gotten very far away from what they wanted to accomplish and, I think, what this country deserves. And when that happens, Madam Speaker, it becomes time for a change in America. I think that is where we are.

Again, if you just look at what the Democratic Congress will do within the first couple of days that we get in, that this Republican Congress has failed to do in the past 5 or 6 years under complete Republican dominance, we will raise the minimum wage, we will cut student loans in half for both student loans and parent loans, we will implement the 9/11 recommendations to make sure we provide for the common defense of the United States of America, and we will allow the Secretary of Health and Human Services to negotiate down drug prices for the Medicare bill to not only save the taxpayers money but drive down drug costs for everyone.

We are going to invest in the small business, as our small businesses are trying to retool themselves. We need assistance for them with the Manufacturing Extension Program and with the SBA 7(a) loan program. We want to give local community development organizations the tools they need to help their small businesses, and some of these programs help businesses. They send out a couple of engineers to help them retool, to make sure that they are streamlining their businesses, to make sure they can find export markets. This is a positive thing, because many small businesses can't afford to do it.

So we've got an agenda. Put us in, coach, we are looking for an oppor-

tunity to play. We have an agenda, and I think the American people will recognize in just a few short days what the difference is between the current Republican leadership and what the Democrats will do.

Our Web site is [www.HouseDemocrats.gov/30something](http://www.HouseDemocrats.gov/30something), and all of these charts and statistics are available on that, Madam Speaker.

□ 1900

#### SHORTEN REAUTHORIZATION OF VOTING RIGHTS ACT

The SPEAKER pro tempore (Miss McMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it is a privilege to have the opportunity to address you this evening and take up a number of issues that I believe are important to the American people.

As I come in here and listen to the tail end of the dialogue that takes place here on the floor, I thank the gentleman from Massachusetts (Mr. DELAHUNT), my friend whom I serve with on the Committee on the Judiciary, for acknowledging that some of us will stand up and speak to the lack of enforcement on the part of this administration.

In fact, in our private conversation, I reiterated something that I put into the RECORD the night before last in that if you are an employer in the United States and you are knowingly and willfully hiring illegals, you were 19 times more likely to be sanctioned under Bill Clinton's administration than you are under the current administration. That is the level that this enforcement has drifted to. That is the issue that they speak to.

However, I would say on the other side of this argument, we have seen an acceleration of enforcement on the border. It is too little too late to satisfy me and many of my colleagues here in Congress. But the point missing from this dialogue is when amendments are offered on the floor; if they are serious about passing those amendments, it takes homework to get that done. You have to reach across to the other side of the aisle and identify some people to work with on the other side of the aisle and get those sponsors and cosponsors for those amendments so when it comes to the floor it is ready for passage.

A late-arriving amendment that is not designed to pass, but makes a statement has very little opportunity to actually make it into law, and some of those amendments are viewed that way by myself and many others. So I am looking forward to a bipartisan effort on this enforcement. It is one of the reasons that I have talked so long and relentlessly on many things that we need to do.

But I came tonight to talk about another issue, and that is an important

issue that is in front of us tomorrow. Tomorrow the House of Representatives will be taking up the legislation that is proposed to reauthorize the Voting Rights Act.

Now, the Voting Rights Act was first written into law in 1965. It was an essential piece of legislation in 1965. We were in the middle of the civil rights demonstrations that were taking place. Those of us who lived through that time, and I can say during that period of time it was a very impressionable point in my life. If my math is correct, I was a sophomore in high school. The television was full of mostly peaceful marches and peaceful demonstrations.

It was an issue that those of us who lived in the Midwest were pretty much protected from that and didn't see the necessity for those kinds of demonstrations right away, but the demonstrations on television, and it was important that television did carry that message at the time, that educated the American people.

I look back on that time, that time in history, when we saw mostly peaceful marches. We saw fire hoses and dogs, yes, and there was violence and there were people that died in the process. But for the size nation that we are, for as large a problem that we had, and the problem we had was the institutionalization of racial segregation primarily in the South. And there were millions of Americans who were citizens in good standing that were shut out of the polls and shut out of many of the other avenues of what we consider normal life today.

It is hard for the generations that are sophomores in high school today to understand what it was like in those years back in the middle 1960s and in many of the years before them.

The circumstances of the segregation in the South and the discrimination that was there, the poll taxes, the literacy tests, many of the Jim Crow laws that were put in place to keep African Americans from going to the polls and being able to vote and help select our national leaders and their Members of Congress and their State leaders, and participate fully in the life of freedom that had been earned by the blood of hundreds of thousands a century earlier; and it took a century to get the Voting Rights Act in place after the end of the Civil War. That is how big this issue was back in 1965.

This sore festered for a century. In a century, this Nation couldn't find a way to come to grips with the issue of discrimination in the South. For me, it is hard for me to have that reference point except for what I saw on television and read in the newspaper, and what my teachers and classmates and family had to say.

Some of that, I have to admit, is a little vague in my memory. But I can say there was an incident that framed it for me. That was some years ago my wife and I needed to go down to New Orleans for a conference down there. We decided that we would drive down

on the east side of the Mississippi River and come back on the west side of the Mississippi River. I like to see what is in this country. So when we do those trips, we weave back and forth and take side trips.

As we went down, we stopped also at Vicksburg to see the battlegrounds of the great Civil War battles that took place in Vicksburg, Mississippi. That was an experience, to stand on that hallowed ground and understand the battle that took place there and the price that was paid to move forward more on liberating and freeing the people that were enslaved the hundreds of years before that.

But the thing that impressed me the most was the stop that we made in Port Gibson, Mississippi. Port Gibson, Mississippi, was a location where a priest that had grown up in our hometown, Father Tony Pudenz. Father Pudenz had been the pastor in St. Joseph's Church, I believe it is St. Joseph's, in Port Gibson, Mississippi. That was his favorite parish. That was the place he wanted to retire. In fact, he was on the edge of retirement at that moment.

But as we went through Port Gibson, I knew he had lived there. He had grown up in our hometown, and he was about 75 years old. So we drove through the town and I looked for the church and rectory. When I found the rectory, we pulled in and I knocked on the door. Father Tony Pudenz came to the door, actually astonished that someone from Iowa would drop in on him unannounced with a surprise, to the rectory at St. Joseph's Parish in Port Gibson, Mississippi.

Well, that visit turned out to be one that framed this for me because he took us over to the church which was just a few steps across the yard. He said, I want to show you my church. He pointed out that the church was built in 1848, and it was built originally with \$10,000 that was contributed to the parish by the family of Jim Bowie.

Jim Bowie was killed at the Alamo more than a decade earlier, but the family had significant presence in Mississippi and somehow they had enough money to make that kind of contribution to that parish in 1848. In fact, a lot of woodwork in that church, as I understand the way it was told to me by Father Tony Pudenz, was carved by the Bowie family.

As I looked at that woodwork, I thought about how that tied back to the history of the United States and to the history of Texas, and how it anchored back to a time before the Civil War.

As we stood in that church, and the glass in that church is all blue tint so it is like standing inside of an iceberg. It is like the sun would shine through if you were standing with ice windows rather than these blue-tint windows, and it gives almost a surreal sense with the woodwork done by the Bowie family and that sense of standing inside an iceberg or standing inside an igloo, per-

haps, that was done with fairly clear ice.

As we stood there, he pointed up to the balcony. And the balcony, very similar to the balcony that the press sits in here in the United States Congress, and he said this church was built by these families and the floor of the church was for the white families and the balcony was for the black families.

And I looked at that. To stand there in that place and understand that in a house of God they would construct a house of God to be segregated for one color of people to go up to the balcony and for another color of people to be seated downstairs, and for their minds, never the twain shall meet; even though they go to church together, they would be separate. And I will say certainly equal in the eyes of God, but not equal in the eyes of fellow Christians going to church in Port Gibson, Mississippi, probably some time well prior to 1848, but the church was built beginning in the year 1848.

As we stood there in the aisle on the floor of that church, he said that last week, the previous week, they had buried the editor for the newspaper in Port Gibson. This editor of the newspaper was the individual who, in 1967, had, with the segregation still in the church, went in and sat down with his family, several children, sat down in a floor pew, and sat there with his family. And a moment before mass began, he got up, took his family and hand in hand they went to the back of the church and went up the steps in the back of the church and sat down in the balcony with the African Americans that were there to go to mass.

No longer was that church segregated because the editor of that paper had the courage and principle to take his family up to the balcony to sit with the black families and worship with them together.

When that happened, part of the people, some of the families, got up and walked out of the Catholic Church and walked across the street to the Episcopal Church where those families and their descendants worship to this very day.

At that time, that little parish of St. Joseph was, I think he said, about 75 families, maybe it was 90 families, and a mix of three-quarters white, one-quarter black, but they go to mass together seated together as part of God's family like they really are. That is what it was like in 1967. That is what it was like in 1965 when the Voting Rights Act was passed.

It is no longer like that in the South today. That is something, an experience for me that frames a lot of this issue, and an understanding of what went on.

It was important to pass the Voting Rights Act in 1965. It was important to enfranchise every one of the adults that are all viewed to be the same as God's children. And we are God's children, all of us.

We need to guarantee those voting rights to everyone. The Voting Rights

Act was a quantum leap to do that. The discrimination statistics that were there, the statistics that were gathered up beginning in 1964, and the measurement of those statistics in 1968, and then in 1972 showed that there were lower percentages of blacks voting than whites voting. And there were lower percentages of blacks that were registered to vote than there were whites registered to vote, and something needed to be changed.

And so those criteria and other criteria were established and the Department of Justice was charged with the enforcement of the Voting Rights Act to guarantee a path to the polls for every legitimate voter in America, and no longer would there be Jim Crow laws, and no longer would there be people who didn't have an opportunity to voice their opinion in the polls and choose their local and national leaders.

The Voting Rights Act has been an extraordinarily successful act. It was designed to be temporary. No one believed in 1965 that we couldn't cure this problem and at some point we could make enough changes that we could move away from the need for those requirements. They were strict. They are tough.

The voting districts that are still under that today are locked in in statistics that are measured from 1964, 1968 and 1972. We are not using 2004 data to evaluate whether Georgia still should be a covered district. We are using 1964, 1968 and 1972 data; not 2004, not 2000, not 1996 data.

So those districts that have been declared to be racist, bigoted districts that demonstrated that by the statistics that are there, the measurement criteria, are stuck in time.

If we pass this legislation tomorrow with the Voting Rights Act, and we use those 1964, 1968 and 1972 statistics to measure States like Georgia, Texas and the locales within 16 States across this country, they are locked in. They are locked in and can't move a voting booth from the Catholic Church to the Episcopal Church across the street, or from the post office to the school. They can't move a voting booth 10 feet without prior authorization by the Department of Justice.

That will be the case fixed in time from 1965 until 2032. By 2032, that is almost four generations. Four generations could come and go, and we are using the same measurement of people in 2032, if we pass this legislation as presented to this Congress.

Thomas Jefferson declared a generation to be 19 years. That is not too bad a measure. We know generations turn over a little faster or slower than that. But truthfully, 19 years, multiply it out, it is almost four generations between 1965 and 2032. But it will be true, there won't be anyone voting in 2032 who remembers what it was like in 1965 when they passed the Voting Rights Act. That would be a simple fact.

And if you want something to be institutionalized in perpetuity in legisla-

tion in America, then you reauthorize that for a quarter of a century or a half a century. By the time that comes up, no one remembers what the debate was. No one is vested in any other alternative. They just think, huh, that is the way it was then, that is the way it always has been, why would we want to change something after all these years? It seems to have worked pretty well and they got so used to it they can't conceive of not having it in place.

□ 1915

So I submit that we need to take a look at shortening up the reauthorization so that we can do a better look at the effects of any changes in this reauthorization for the Voting Rights Act. And I submit that districts that are covered, districts today need to have an opportunity to work their way out of that that is not as stringent as the very, very tight district requirements that are in it today so that they can work their way out. And to measure someone by 1964 standards in 2032 is just utterly wrong. Back in 1964, to think that the great-grandchildren of the people that made that decision will be voting in 2032, and they are responsible? How can we hold them responsible for decisions that were part of the culture in 1965?

So we have come a long way, America, and we will never eradicate racism in this country totally. There will always be some elements of it because there will always be the levels of prejudice, and they might not always be something that can be defined as racism. It might just be prejudice that comes from other reasons because there will always be competing forces in this society. But the evidence of it has diminished significantly and dramatically. And I would like to give the people in Georgia and Texas and these other States an opportunity to move out of that list. And I would like to, if it is good enough for Georgia and Texas, it ought to be good enough for the rest of us. That would be the standard that I would go by and then shorten this reauthorization time.

There is another aspect of this that is an essential piece, and that is the Federal mandate for foreign language ballots, and that is a piece that we will be debating here on the floor tomorrow.

The Federal Government, the Congress, in I will say an unexpected move in 1975, put into place temporary measures to require a Federal mandate for foreign language ballots. Now, I don't remember that there were people in America clamoring for the foreign language ballots in 1975. It may have been the case, but it was designed to be a temporary measure. They thought the need for it would diminish as assimilation increased.

What we have seen since 1975 is partly because we are the enablers there has been less assimilation instead of more assimilation. The direction for more languages in America has in-

creased towards more and more languages in America instead of less, and we still have in place this mandate for foreign language ballots.

The reason that I am opposed to requiring them at the Federal level is because if you are a naturalized citizen here in United States, by law you will have had to demonstrate your proficiency in both the spoken and written word of the English language. That is the standard that is required before you can be a naturalized citizen. And so if you are a naturalized citizen in America, you have no claim to a foreign language ballot because the certification of your citizenship says you are certified to vote in English. That is one of the important responsibilities of citizenship. And if the standard wasn't high enough that you can read a ballot, we need to raise the standard, not lower the standard and hand you a ballot in a language where there may be errors in because we don't have enough interpreters to interpret into other foreign languages.

I simply want to lift the mandate. I want to allow localities to make the decision on whether they need to provide foreign language ballots, not the Federal Government. I don't want to be printing millions of ballots that aren't used. I don't want to get any more letters like this letter that I have here in front of where the gentleman who wrote it said, in all five elections where I have served as a judge, no foreign language ballots were requested in my precinct. Yet in the last election in that precinct they printed 33 different kinds of ballots, not because there were 33 different languages but because there were 11 different parties and three different languages that were required.

This is a subject that is easy to understand. It is relatively simple. But it's important and it's essential because if we send the message out of this Congress that we are going to chase you down and hand you a foreign language ballot, whether you want it or not, then we are also sending a message that we really aren't serious about assimilation.

And if we are going to be bringing into America 10 million or 60 million or 90 million new Americans in the next generation, 19 years generation, if we are going to do that, we have got to be invested in assimilation.

No nation in the world has ever assimilated the numbers of people or the percentage of the population that we have here in this country. But there is a limit to what we can do. And if we send the message that says we are not serious about assimilation, we are going to be enablers for people to live in ethnic enclaves. And if we do that we are ensuring that they will not be able to access the American dream.

That is the wrong message to send. We have to lift the mandate. And if it is necessary to have foreign language ballots at the localities, then they can make that decision locally. They are paying for it anyway.



And so, Madam Speaker, that is the basis and the core of my argument. But there is a gentleman here from New Jersey who is articulate on this subject matter, someone whom I look forward to hearing from, and I would be very happy to yield as much time as he may consume to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I appreciate the gentleman from Iowa for yielding me the time. And I also appreciate the gentleman from Iowa for your work on this issue. I came to the floor to address the issue that you were just touching upon, and that was the issue of bilingual or multi-lingual ballots.

But before I get there, let me just touch on something you mentioned because you raised an important point, and that is that the current extension of the Voting Rights Act, as you referenced going forward for 25 years, looks all the way back to the initial status and the initial data from the early 60s, mid-60s.

You could step back for a moment and say what was the fundamental problem that they were trying to address, legitimately so, at that time? And I think you might say you would put it into two categories, one personal and the other institutional. Personal, just meaning the individuals who may have been involved in the particular voting districts at the time that may have been creating illegitimate voting barriers for people of different nationalities or different race or what have you. And the other would be institutional, and that is to say that at that point in time, there were in actuality in America, unfortunately, particular institutional barriers as well in place. So you could look and say there was two elements that the Voting Rights Act had to address. But that, as you also pointed out accurately so, was 40 some odd years ago. Those institutional barriers fortunately have all been removed. The personal ones, though, interesting, I would think just by the advent of time also have to have been removed as well because the people who were elected to office in the mid-60s, for one reason or another, are no longer with us today, at least not in elected office. So the two aspects that the Voting Rights Act were specifically going to address from the data back then and the specifications of who was in place and what the institutions are no longer with us, not to say that we may not have other personal situations that may crop up today in the future. And that is why I think you come to the floor, and other Members do, such as myself, says that we should strive in this House, and in the House just down the halls from here as well to make sure that all barriers, personal or institutional, today and in the future, will always be removed, and that you will have the fullest level of political participation that you can have. So I appreciate you bringing out that point of just exactly what we are dealing with when we are dealing with the Voting Rights Act.

But I came to the floor to address the issue of the multi-lingual ballots. And I want to begin by giving credit where credit is due, because those who are listening here tonight, realizing that the bill is coming to the floor tomorrow, may think, based upon some of your comments and other things, that things are moving forward just in a legitimate and a good manner, and that we are going to succeed in this area of eliminating multi-lingual ballots.

Well, the credit, as my dad always said, "give credit where credit is due." And the credit, if we are successful in the amendment coming to the floor tomorrow, are due to the gentleman to my right, the gentleman from Iowa, because I will say this, that it was in an RSC meeting, Republican Study Committee meeting, which meets on Wednesday afternoons here, where you came to address the group, brought this to my attention, and I think to the attention of a lot of people in the RSC for the first time.

I was struck by it, that this is an issue that needed to be addressed. And I was a little bit concerned that there was not enough agitation, aggravation or concern among my colleagues that this was going to be addressed. But you were a driving force and reassured me, you said, "Scott, I think we are going to be able to build up the momentum on this. I think we are going to be able to get the word out on this, and I think once people realize just exactly what is in the Voting Rights Act, what the problems are and what the changes are needed, we are going to be successful." I was not as positive as you were at that moment, but you were dogged on that like you are dogged on so many other things, and I think that with the support of our colleagues here tomorrow, and if we hear from the voters who listen to this each evening, if they make sure that their Members hear from their concerns that we will be successful on this. So I come initially just to applaud you and salute you for your dogged determination.

The problem with the Voters Rights Act and the multi-lingual ballots, I think, can be said also to fall under a couple of different categories. First is the length of time that you would look for if we do not eliminate it, that it would continue for. It will continue for 25 years. And so just as there was a problem of looking back to the 60s and looking at that past data that is incorrect now as we here try to legislate today, I would hazard a guess that the circumstances in this country will be significantly different than they are today 25 years hence.

Now, I have been here now for 3 years, just as the gentleman from Iowa has been as well, and I can think of many other very important significant legislations that we have reauthorized. But for the life of me, and I stand to be corrected, I cannot think of any other bill, any other important issue, whether you are dealing with the air, the water, the environment, our schools,

our education or our health, our defense or otherwise, I cannot think of any other areas, and again I stand to be corrected, where we have reauthorized something for two and one-half decades. So I think that is the first area that we need to be addressing, and you are rightfully so for bringing it up.

Just as a side note on this, I did put in an amendment that would limit this down to 6 years, but that was the proverbial compromise amendment if we were not successful in getting your amendment to the floor tomorrow which would eliminate the multi-lingual ballots entirely. But as I understand, the Rules Committee has met, 4 hours ago, around 3:00, and they saw the wisdom of going your road of at least allowing the vote on the floor. So we will go for that vote and not for the limitation of 6 years.

The second part, the difficulty or the problem with the current status of the VRA, one being the length of time, the second one being what is in the current law right now. We are really not, by allowing multi-lingual ballots to continue, we are not really enforcing current law. Current law, and I should have it right here, says that if you come into this country, legally and become a legal naturalized U.S. citizen and therefore have the right to vote, current law states that you must, according to the law, under section 312 I think you referenced, if not on the floor tonight, in previous times, an applicant must demonstrate, "an understanding of the English language, including an ability to read, write and speak in ordinary usage the English language."

So when you think about it, who are the people who are allowed to vote in this country? Well, they fall into two categories, one, you were born here and so you are a legal citizen, which means you went through the entire education process, age 1 through 18 in this country. So hopefully you have gone through our fine public schools or private or otherwise schools and so you should be able to read the English language.

Second is the naturalized citizens. Naturalized are those who come through and come through the process, and those individuals are those people I have just cited section 312, who have certified, attested to, they have taken a test, a citizenship test, if you will, to become a citizen of this country. That test is administered in English. And at the end they basically certify that they can, that they possess the ability to read, write and speak the English language. So if they are able to do that, if they are able to take a test in the English language, then you would think they should also be able to complete a simple U.S. ballot in any municipality or county or state. So that is the second point, that we are basically ignoring current law by continuing on with multi-lingual ballots.

Thirdly, the problem is that this is, once again, another unfunded Federal

mandate on the county governments, municipal governments and the like. I was on the phone about I guess 3 weeks ago, some time after you were speaking at the RSC, and I was speaking with election commissioners throughout the State, my State of New Jersey, and they were telling me about the costs that they have to be engaged in to pay for it. It comes out of the taxpayers' pockets to print up and publish and mail out these multi-lingual ballots. That comes out of local taxpayers. Doesn't come out of this House. Doesn't get appropriated from Washington. And so that is just another example of where we are sending down the rules. We are putting out the mandates by passing the VRA with this language in it, but someone else foots the bill. So there is another problem with the VRA, that it is an unfunded mandate.

Another, fourth aspect is the basically arbitrary and capricious nature in the way that the multi-lingual ballots are implemented under the VRA and have been in the past and will be unless the King amendment is passed tomorrow.

□ 1930

And I think you have touched upon this in the past, but let us make the point clear to those who don't follow it, that the way you look to determine whether or not a multilingual ballot is necessary and required under the VRA is to say whether or not 5 percent of the population in that respective voting district cannot speak the English language.

One of the primary functions or processes in order to determine that is to look at the surnames of those individuals, and I think you have already given examples, and other people that have come to this floor have given examples, that just because you have an Asian surname, it does not necessarily mean that that is your language and you cannot speak English. Just because you have an Hispanic surname does not mean that you cannot read or write the English language. And in some sense, therefore, it is insulting to those individuals.

So the fourth aspect is the arbitrary and capricious nature of the way that the multilingual ballot law is required and enforced; and because it is arbitrary and capricious, it creates two things: It creates a disincentive for those people who are new to this country to assimilate into this Nation and learn the predominant language, which is English, so it is a disincentive to them.

And, secondly, I guess the word to be almost an insulting nature to them, that just because you are new to this country or may have been here for several years as naturalized citizens that you don't possess the ability to learn to read and write the English language.

And I will close on this. When I had the opportunity to speak with some election commissioners, they have told

me that they have received letters from voters in their district complaining that they got a multilingual ballot, saying, in essence, What are you saying about me? Is the government saying that I am not smart enough to read and speak the English language? So the people, basically, were insulted, if you will, by the fact that just because they have an Hispanic surname or another surname of sorts that the government has taken the position that they cannot read and write the English language.

So there are one, two, three, four problems: that it is an overly extended time for reauthorization; that we are not complying with or basically ignore the current law, which is a law that requires people, when they come into this country, to attest to the fact that they can speak and read and understand the English language; thirdly, that this is yet again another unfunded mandate by the Federal Government; and, fourthly, that it is basically an arbitrary and capricious standard that we are applying to the States.

Applying the 5 percent rule in basically an insulting and discriminatory matter, discriminatory in the sense that if there is another ethnic group, another individual group there that has maybe 4 percent, 4.5 percent, they do not rise to that level, but someone at 5 percent does rise to that level.

So there are four basic problems that lead the gentleman from Iowa and me to believe that there is not a fundamental reason for us to continue the VRA multilingual ballot.

And I would hope that we will get sufficient votes tomorrow, Mr. KING, to pass your amendment and move forward to correcting this portion of the VRA.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I thank the gentleman from New Jersey for his contribution to this discussion and this debate here this evening. And, also, I thank him for his dogged determination on a number of sound causes that he and I have worked together on.

And sometimes I just simply admire the work that Mr. GARRETT does. And I am not always over there to lend a hand, but I want him to know that, if needed, I am willing to on any subject that I can think of that Mr. GARRETT has brought forward. And I appreciate the leadership and support that has been there on this cause.

It has not been an easy task. I had not thought about it as dogged determination; I had simply thought about it as a cause and a principle that needed to be established. Simple common sense if you are going to have a Nation that promotes assimilation and one of the standards of that promotion of assimilation is a Federal law that defines the standards by which people that come to this country are naturalized, conditions they must meet before they can get a hold of that brass ring called citizenship.

And, Mr. Speaker, citizenship needs to be precious. It needs to have great

value. If we are going to be a strong nation, we have got to look at this flag and feel that lump come into our chest when it comes down in the parade. We have got to have a sense of common history, a sense of unity, a sense of common cause. And if we market citizenship off cheaply and if we diminish those standards, then we are going to find that our values also are scattered and diluted and diminished.

But when we pull ourselves together with this and we promote the idea of assimilation, and that is that the language requirements for demonstration of English proficiency are in the Federal Code 4, it is to set that standard high enough that anyone who then is naturalized as an American citizen has a significant amount of English proficiency that will let them go out into the rest of the world and access this American Dream.

And we know that the lowest numbers that I can find are that those who speak English in the United States earn at least 17 percent more than those who do not speak English in the United States. Those who speak English well earn more than twice as much as someone who does not. So these issues are important.

Some of the standards that we used to require in our Federal mandate, the standards that we use that establish the determination that there will be foreign language ballots imposed into these districts, whether anyone actually asks for one or not, the issue that was brought up by Mr. GARRETT that the standards of 5 percent or 10,000 people, whichever comes first, is the standard that would then require limited English proficiency groups, would require those ballots to go into a district. And, now, how do you measure who speaks English in a limited-English-proficient manner? And the manner that was brought up by Mr. GARRETT, the surname analysis, can you imagine having a computer program, and in that program you run through it the last names of all of the voters that are registered in that voting district, and you have software set up that picks up things like the little apostrophe over the "O" in maybe an Hispanic name or the configuration of the vowels and the consonants when it comes in a certain way that indicates that it is a surname of a certain nationality.

So this surname analysis will do a measure of likely Hispanic last names, or I should say Spanish last names, or maybe likely Asian or Chinese last names. I do not know if it picks out the Irish or not, but I can go through the phone book and do that. So it kicks out these names. And if it kicks out 10,000 names that have a Spanish last name or 10,000 names that are Chinese last names, or 5 percent or more of that voting district that are Spanish, Chinese, Lithuanian, whatever the subject might be, then by Federal law there will be ballots printed in those languages at that locale, paid for by

the local election board or the county taxes or whoever is the one in each particular State that determines that, a Federal mandate, an unfunded mandate.

And I especially think it is ironic about Spanish surnames, because some of these people that have a Spanish surnames are descended from immigrants that came here in the 1500s. They have been here since about before the Mayflower, before Jamestown. They came up to the Southwest. They were Americans long before anybody else that I know of, and yet we would presume by their last name alone the prejudicial preconception that we have to send them Spanish language ballots.

It is a lousy measure. It has never been a good measure. It is actually, I believe, a prejudiced measure, to be so prejudiced that because of your name, they can determine whether you can speak English. That should be anathema to all of in this Chamber, Mr. Speaker, and I hope that we fix that tomorrow.

But another measure that is equally as ridiculous is the census, another way that we determine whether people can speak English well enough to qualify for all-English ballots or whether we have to give them a ballot in another language and impose that upon them whether they want it or not.

So the United States Census puts out this questionnaire, and presumably there is someone sitting down interpreting the questionnaire. I do not think it just gets mailed out in other languages. But they ask the question, How well do you speak English? A, not at all; B, not well, do not speak English well; C, speak English well; or, D, speak English very well.

Now, if you say that you don't speak English at all or not well or even if you say that you speak English well, all three of those categories, A, B, and C, are all measured as limited-English-proficiency speaking. Even if you say you speak English well, you have to say that you speak English very well in order to not be qualified as having limited English proficiency that would trigger the foreign language ballots.

So I think there have to be English professors, high school literature teachers, probably politicians as well, who make their living with this language, who will read that and think "I have never reached the standard that I thought I ought to; so I do not want to be so proud that I put down I speak it very well. I think I will just put down I speak it well. And, inadvertently, they will be putting themselves in a category that will be calling for a foreign language ballot.

And with the Chinese language, how many dialects are there, 300 and some dialects? At least it used to be. But which version of Chinese is it? Is it Mandarin? Is it Cantonese? Is it any other version there?

There is really no way we can administer this effectively with an equal protection perspective as long as it is a

Federal mandate. And it is a Federal mandate. It is a federally unfunded mandate that imposes foreign language ballots on voting districts whether anyone wants them or not and whether anyone calls for them or not. In fact, I do not know that there are records kept on these ballots and how many are actually used. If there were, I would like to have seen those records.

But to give you an example, Mr. Speaker, this letter came, and it is dated June 24, so it is fairly fresh. And I just happened to be going through my mail a couple of days ago; and I get a packet of it, and I read through it, and try to be tuned in to what the American citizens have to say about the work that we are doing here.

And this gentleman has freed me up to speak about this openly and publicly and into the RECORD. But I think for the sake of avoiding the kind of things that might come, I will just read it to you and represent it without identifying him individually. But this is an individual who is a judge in a voting district out in California. He has a Ph.D., and he is an educator, a professor. He has a good handle on the English language.

But it says in his letter: "Dear Congressman KING, let me express my support for your efforts to let the multilingual ballot provision of the Voting Rights Act fade into the sunset. For several years I have served as an election judge in a polling place in my hometown," which is in California. "My precinct over the years has around 650 registered voters. In the June, 2006, primary, we had 11 parties on the ballot." That would be political parties. "We had available 33 separate ballots because members of each of the 11 parties had ballots available to them in three languages—English, Spanish, and Chinese. In the primary, general, and special elections over the past years in which I have served, no voter has ever requested a ballot in a language other than English." I will repeat that. "No voter has ever requested a ballot in a language other than English.

"Putting aside the question of the appropriateness of ballots in languages other than English, I would simply point out the large cost to the county in complying with the Voting Rights Act. The waste of public money is significant. As a Republican, I would be truly disappointed if a Republican majority in the House and the Senate cannot repeal at least the multiple language provisions in the Voting Rights Act.

"Very truly yours . . ." A copy sent to the chairman of the Judiciary Committee as well.

So we made contact with this gentleman. And in there again he reiterated that in all five elections where he has served as a judge, no foreign language ballots were ever requested in his precinct even though they had 33 different versions in this last primary election. Thirty-three, not one other

than English was called for. And it cost his county, and I believe this to be a low-population county, \$100,000 approximately per election to print foreign language ballot materials and to administer and to translate.

So \$100,000 does not sound like a lot to a Member of Congress when we deal with billions and, in fact, trillions of dollars, but it adds up over this country. We have thousands of counties in America. And of those that are compelled to print these foreign language ballots, the dollars contribute.

And it isn't just the cost of it. It isn't just the burden of the administration. But it is the risk of the mistakes that come when we translate into foreign languages.

We have to have a standard. We have to have an official ballot. And when you start translating into foreign languages, you lose the sense and the meaning. And there are languages out there that their voice inflection determines the meaning and its context determines the meaning, so it becomes a judgment call on how it is interpreted.

And, again, we do not interfere with the right of the localities to print foreign language ballots if they so choose. What we do is just remove the unfunded Federal mandate that requires foreign language ballots and we let the localities make the determination on how they are going to provide ballots that can be read and utilized by the people that are there in the fashion that they see fit. There is nothing that prevents them from doing that. In fact, there is nothing that prevents them from doing that today, Mr. Speaker.

In fact, I have here a copy of yesterday's USA Today.

□ 1945

It lays out circumstances in the State of Wisconsin. The headline in this story is, "Lawmaker critical of Wisconsin translations." We are going to disagree about these things across the country. It is part of our system, but the story reads like this.

"The Wisconsin State election board began translating voter registration forms and absentee ballot applications into Spanish and Hmong this year, a move that one State lawmaker says could swing an election.

"This is for people who function on a day-to-day basis in languages other than English but want to acclimate to Wisconsin and to participate in the democratic process," Elections Board spokesman Kyle Richmond says.

"Translating the voting materials was not required under the Voting Rights Act because Hmong- and Spanish-speaking residents make up fewer than 5 percent of the State's eligible voters."

Mr. Speaker, we do not address that issue. We leave that intact. If States want to determine they are going to print foreign language ballots, they will print them.

We also protect and preserve the Federal statute that exists that allows an

individual to bring a translator into the voting booth with them. So, if ballots can be printed in foreign languages because of the local government, if we protect the tenth amendment, the States rights issue, and let them determine their election process, and if we lift the foreign language ballot, the Federal mandate, the unfunded mandate for foreign language ballots, then we have got the principles of the tenth amendment there, the States rights issue. We have got that and we support that. We support the Federalism issue that government is better off if it is devolved to the States and remains in the States rather than bring the power here to Washington, D.C. It is time to get it back to the States where they belong.

I would submit another issue that seems to be a bit of a curiosity to me, Mr. Speaker, and that is the issue of what will be the case when we get to that point where there are voting districts where no one in that district speaks English. Is it presumed by law that one would have to then qualify under this Federal mandate to get an English language ballot, even if no one wanted one in that district?

Well, it seems a little hard to conceive of this today, but it is far easier to conceive of this today than it was easy to conceive of this in 1965 when this was not part of the law, but in 1975, when it was put into the law and they believed that it would be temporary then, those who voted for this provision, this unfunded Federal mandate for foreign language ballots are the people who, if they are watching us today, if they are on this planet or looking down on us from above, would be astonished that we would still have this in place. They would be astonished that we have this difficult of a debate going on about whether we can simply let the sunset take place, let these provision requirements expire and allow States rights to take place and allow localities to make these decisions.

This is just an interesting subject that we will take up tomorrow, Mr. Speaker. We will debate this significantly and intensively, and I am hopeful that the wisdom of this Chamber will be reflected in a positive vote on the floor here in the United States House of Representatives.

I am quite appreciative of all the effort that has gone into this. This has been a spontaneous effort, not an orchestrated effort but a spontaneous effort, and sometimes when you stand up and take a stand it reflects through the hearts and the philosophies of those of us who are charged with representing the wishes of the people in all of America.

I know that when this bill, the reauthorization of the Voting Rights Act until 2032 came to the Judiciary Committee and I offered a couple of amendments then to try to improve it, the climate in the committee at that time was not very conducive to amendments being adopted. Yet, I made the argu-

ment, offered the amendments, and there were nine that voted with me on the amendment that would have eliminated this Federal mandate for foreign language ballots. That was a significant amount on the amendment.

But on final passage, then I found myself as the sole voice that voted "no" on the reauthorization of the Voting Rights Act in the Judiciary Committee, 33-1 was the vote, and I have often said when I found myself the lone vote, dissenting from everyone else, I use a defense, it is a little ditty that I simply memorized, and it talks about the people's judgment, people's judgment being a democratic vote, a majority vote that rules here in this House, as it should, and it goes like this: Nor is the people's judgment always true, but most can err as grossly as the few.

In this case, I do not want to point out the people that disagreed with me on this issue as necessarily erring, but I want to point out the necessity to stand on principle and how a single vote can make a big difference, and with that 33-1 vote, had I not put that vote up, it would have been unanimous coming out of the Judiciary Committee. Had it been unanimous, it would have been very difficult for anyone to make an argument we should reconsider the cover districts arguments from Georgia, Texas and other covered districts that have been led so well by LYNN WESTMORELAND and CHARLIE NORWOOD.

That team has been strong and powerful, and they have been dogged in their determination, and they have been relentless, and they believe powerfully in their cause. I support the spirit of their efforts, but that would have, I believe, have fallen on deaf ears if it had been a unanimous vote out of the Judiciary Committee, but one "no" vote gave them a small beachhead to go to work on and their beachhead gave a beachhead for the rest of us to head our positions together here and our need to allow the sunset of the foreign language ballot mandate to take place.

I reflect back upon the moment when I gave a Memorial Day speech in Denison, Iowa, and as I finished my speech and as the ceremonies concluded, the mayor came up with his little baby in his arms, and I suppose he was 6-weeks-old at the time. So I took a look, good look at that healthy, little boy, and I said to the mayor what is his name. Well, his name is John Quincy. I said John Quincy. John Quincy said always vote for principle, though you may vote alone. You can take the sweetest satisfaction in knowing that your vote is never lost. He looked at me and he smiled and he held that little boy, and he said that is why I named him John Quincy. He will be a man of principle.

That always matters to vote your principle, though you may vote alone, but your vote is never lost. There are stories after stories on how important it is how one vote can make a significant difference in America.

This may be one of those times. I am hopeful it will be one of these times, Mr. Speaker, but I believe strongly that there is not a necessity out there for the Federal Government to mandate foreign language ballots. I believe strongly that we need to send a message that we are a Nation that welcomes legal immigrants with open arms, we encourage them to come into this fold.

I go and speak at the naturalization services whenever I have the opportunity. They are some of the most moving experiences that I have. When I look people in the eye and I can see that mist, that moistness in their eyes, that sense that that event in their lifetime ranks right up there with the wedding day or the day that their first-born child might be born with important moments in their lives, and there are many of them that will say that is the most important moment in their lives.

So I have had the opportunity at those naturalization services to remark about how important it is, from my perspective, and how I am moved by the stories that came through my family about my ancestors who came here, and I sign and autograph a Constitution for each one of the newly naturalized citizens I have had the privilege to speak to at a ceremony and pass them out and congratulate them and ask them to keep that Constitution close to them, close to their heart like mine is close to my heart, read it, study it, understand it, linking it to this history, becoming part of this shared experience that we have, reach out and reach towards this American dream, this American dream that really is to leave this world a better place than it was when we came, to lay the groundwork so our children can have a better opportunity than we have had.

We think it gets harder every generation, but it is hard every generation, and our parents gave us more opportunity than they had. So it goes, back through the generations, and so it needs to go on through the succeeding generations in the same fashion.

If America is going to be this glorious Nation that we have become, if we are going to take ourselves to the next level of our destiny, we always have to reach out and ask to challenge people to follow through in this American dream, to make America a better place.

So we can do that by promoting this great unifying idea of a common language. It is the most powerful unifying force known throughout history for all humanity. It is true for all languages. It just happens to be that we are fortunate in this country that our language is the English language, the language of business for the world, the language of the maritime industry for the world, the language of air traffic controllers and all air traffic communications in the world and this language that has been the companion to freedom everywhere throughout the world.

As I read the book written by Winston Churchill called, the History of the English-Speaking Peoples, and I followed through on that history, as each tracks the English-speaking peoples around the globe and a part of its conquest and trade and colonization, but the English people never doubted and never lacked for faith in their civilization, in their culture, in their destiny, in their duty, and they promoted those values around the globe. As they did so, wherever they went, they left the English language, and wherever the Americans have gone, we have left the English language. If you go places today, and follow the English language wherever the English language is, you will find freedom, also.

Freedom's been a companion to the English language wherever it has gone around the globe. We should be very grateful we are descended from English common law that respects these values that we have. We have taken up that cause, and we have advanced it beyond this constitutional republic that we have that is rooted in this responsibility to be an informed citizen and active citizen and informed voter. Part of that responsibility is to get informed within this English language so you can understand this culture of America.

It is very difficult to understand the decisions that have been made if you are not able to access the common newspapers that are there, not able to get on the Internet and not able perhaps to carry on in conversations around your entire regular travels that you have. It is very difficult. It is not impossible, but if we allow the localities to make the decisions on whether or not there are going to be foreign language ballots and what languages they might be in.

You can bet that those localities will be looking at these like this county in California, this particular voting district in California with the 650 registered voters, and they would say, well, we printed the last five elections in 33 different ballots and three different languages and no one in all that time has asked for a foreign language ballot; you suppose maybe this time we ought to cut those numbers down and maybe eliminate it all together and just put English language ballots out there like we did in the past? I think the answer is, yes, let us stop that waste; let us stop being bigoted in saying everyone cannot understand a language because of their last name.

Then perhaps there will be others like Wisconsin in this other USA Today article that is here, Mr. Speaker, where they decide at the locality, we want to spend the money, we want to take that responsibility, we want to reach out to the Hmong- and the Spanish-speaking people and give them a ballot in a language that they can understand and be comfortable with.

Now, I would question why it would be that they could be American citizens in Wisconsin and not speak the

English language well enough to vote. I would question that, but that is a debate for Wisconsin, not a debate for this Congress.

So I submit, Mr. Speaker, that tomorrow we will make a decision. It will be a big decision. It will be a decision that will have long-term implications. Those long-term implications do not seem very big today as we talk about the simplicity of this argument. No one will be disenfranchised from being able to vote. I ask them to become informed voters, and that is a challenge out there to English speakers and to other speakers to become an informed voter.

But what is down the line is the message that we are sending to the newly arriving Americans that 10 or 20 or 60 or 90 million Americans that we might have within the next generation, that message that here is our language, learn this language. We will not be able to say that if the first thing we do is hand them a foreign language ballot. How do we ask them to assimilate if we are going to be enablers?

That is the question that is before us. That is the long-term implication of these questions that are before us, Mr. Speaker, and I am going to ask this body tomorrow to make a long-term, wise decision, save millions of taxpayer dollars, take the oppressive thumb off the back of localities, let them make the decisions themselves, let them reach out to people and take care of them in that fashion, save the money, provide better, more efficient services, do the right thing, preserve the tenth amendment, preserve the idea of Federalism and move this Nation to the next level of its destiny so that we can be a Nation that welcomes all, with equal opportunity for all and prejudice against none and prejudice towards none.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mrs. NORTUP (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 18.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. NADLER, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1509. An act to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species; to the Committee on Resources.

S. 2430. An act to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study; to the Committee on Resources.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 p.m.), the House adjourned until tomorrow, Thursday, July 13, 2006, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8486. A letter from the Secretary, Department of Agriculture, transmitting a copy of

draft legislation entitled, "To establish a program to be administered by the Secretary of Agriculture for the purpose of aiding Federal agriculture conservation programs"; to the Committee on Agriculture.

8487. A letter from the Secretary, Department of Agriculture, transmitting a copy of a draft bill entitled, "Commodity Credit Corporation (CCC) Budget proposals"; to the Committee on Agriculture.

8488. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Blood Safety and HIV/AIDS, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on Appropriations.

8489. A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE; Coverage of Phase II and Phase III Clinical Trials Sponsored by the National Institutes of Health National Cancer Institute (RIN: 0720-0057) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8490. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Sole Source 8(a) Awards to Small Business Concerns Owned by Native Hawaiian Organizations [DFARS Case 2004-D031] received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8491. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Free Trade Agreement—El Salvador, Honduras, and Nicaragua (DFARS Case 2006-D019) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8492. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Security-Guard Services Contracts (DFARS Case 2006-D011) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8493. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contractor Personnel Authorized to Accompany U.S. Armed Forces (DFARS Case 2005-D013) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8494. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Berry Amendment Exceptions—Acquisition of Perishable Food, and Fish, Shellfish, or Seafood (DFARS Case 2006-D005) (RIN: 0750-AF32) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8495. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Community Development Block Grant Program; Revision of CDBG Eligibility and National Objective Regulations [Docket No. FR-4699-F-02] (RIN: 2506-AC12) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8496. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition on Use of Community Development Block Grant Assistance for Job-Pirating Activities [Docket No. FR-4556-F-03] (RIN: 2506-AC04) received June 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8497. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Fund of Funds Investments [Release Nos. 33-8713; IC-27399; File No. S7-18-03] (RIN: 3235-AI30) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8498. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 14-06 which informs of an intent to sign the Bio Inspired/Derived Approaches for the Development of Materials and Sensors Project Arrangement between the United States and Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8499. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8500. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-21, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on International Relations.

8501. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-35, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

8502. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102-511, section 508(a); to the Committee on International Relations.

8503. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of the Japan (Transmittal No. DDTC 030-06); to the Committee on International Relations.

8504. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a possible unauthorized transfer of U.S.-origin defense articles pursuant to Section 3(e) of the Arms Export Control Act (AECA); to the Committee on International Relations.

8505. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense articles or defense services to the Government of Japan (Transmittal No. DDTC 023-06); to the Committee on International Relations.

8506. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of Significant military equipment to the Governments of Italy, Kazakhstan and Russia (Transmittal No. DDTC 017-06); to the Committee on International Relations.

8507. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles the Hashemite Kingdom of Jordan (Transmittal No. DDTC 004-06); to the Committee on International Relations.

8508. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Human Rights Report for International Military Education and Training Recipients, in accordance with Section 549 of the Foreign Assistance Act of 1961; to the Committee on International Relations.

8509. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on activities under the Tropical Forest Conservation Act of 1998, pursuant to Public Law 105-214, section 813; to the Committee on International Relations.

8510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to the Anti-Economic Discrimination Act of 1994, part C of Title V, Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, as amended (Public Law 103-236), the Secretary's determination suspending prohibitions on certain sales and leases under the Anti-Economic Discrimination Act of 1994 and the accompanying Memorandum of Justification; to the Committee on International Relations.

8511. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in Germany (Transmittal No. DDTC 016-06); to the Committee on International Relations.

8512. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 059-05); to the Committee on International Relations.

8513. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 15, 2006–April 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

8514. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the sixth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on International Relations.

8515. A letter from the Chairman, U.S.-China Commission, transmitting the record of the Commission's February 2-3, 2006 hearing on "Major Internal Challenges Facing the Chinese Leadership"; to the Committee on International Relations.



8516. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; North American Industry Classification System Based Federal Wage System Wage Surveys (RIN: 3206-AK94) received June 16, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8517. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Classification Under the General Schedule and Prevailing Rate Systems (RIN: 3206-AH38) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8518. A letter from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule—Affidavits of Support on Behalf of Immigrants [DHS 2004-0026; CIS No. 1807-96] (RIN: 1615-AB45) received June 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8519. A letter from the Acting Director, Executive Office for United States Trustees, Department of Justice, transmitting the Department's final rule—Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies and Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees [Docket No. EOUST 100] (RIN: 1105-AB17) received June 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8520. A letter from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting the Department's final rule—Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H-1B Visas (RIN: 1205-AB38) received July 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to the Civil Penalty Inflation Adjustment Rule and Tables [Docket No. FAA-2002-11483; Amendment No. 13-33] (RIN: 2120-AI52) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8522. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

8523. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2003, pursuant to Public Law 105-89, section 203(a); to the Committee on Ways and Means.

8524. A letter from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Reauthorization of the Temporary Assistance for Needy Families Program (RIN: 0970-AC27) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8525. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Establishment of the San Antonio Valley Viticultural Area (2004R-599P) [T.D. TTB-46; Re: Notice No. 45] (RIN: 1513-AB02)

received June 19, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8526. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the change to an existing law that would be required to bring the United States into compliance with the United States-Peru Free Trade Agreement; to the Committee on Ways and Means.

8527. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Mixed Service Costs (MSC) Industry Directive—received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8528. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Erickson Post Acquisition, Inc. v. Commissioner [Docket No. 8218-00; T.C. Memo. 2003-218] received June 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8529. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Postponement of Filing Date for Form 8898 [Notice No. 2006-57] received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8530. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Application of the Federal Insurance Contributions Act to Payments Made for Certain Services [TD 9266] (RIN: 1545-BE32) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8531. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2006-35) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8532. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 2006-33) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8533. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Distributions of Interests in a Loss Corporation from Qualified Trusts [TD 9269] (RIN: 1545-BC00) received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8534. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Factoring of Receivables Audit Techniques Guide—received June 23, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8535. A letter from the Chief Government Affairs Officer, Investment Company Institute, transmitting a copy of the 46th edition of the Investment Company Fact Book; to the Committee on Ways and Means.

## REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 910. Resolution providing for consideration of the bill (H.R. 9) to amend the Voting Rights Act of 1965 (Rept. 109-554). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 5640. A bill to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes; with an amendment (Rept. 109-555). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ALEXANDER:

H.R. 5765. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. TOM DAVIS of Virginia, Mr. PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. DOOLITTLE, Mr. GINGREY, Mrs. JO ANN DAVIS of Virginia, Mr. CASE, Mr. CARTER, Mr. CONAWAY, Mr. MACK, Mr. NORWOOD, Mr. INGLIS of South Carolina, Mr. RYUN of Kansas, Mr. AKIN, Mr. NEUGEBAUER, Mr. OXLEY, and Mr. WILSON of South Carolina):

H.R. 5766. A bill to provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs; to the Committee on Government Reform, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota (for himself, Mr. DAVIS of Tennessee, Mr. HOSTETTLER, and Mr. DANIEL E. LUNGREN of California):

H.R. 5767. A bill to prohibit a convicted sex offender from obtaining approval of immigration petitions filed by the offender on behalf of family members; to the Committee on the Judiciary.

By Mrs. NAPOLITANO:

H.R. 5768. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Resources.

By Mr. MATHESON:

H.R. 5769. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. BISHOP of Georgia):

H.R. 5770. A bill to amend the Public Health Service Act to increase the physician manpower in the areas of primary care, psychiatric care, and emergency medicine in federally designated physician shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mrs. NAPOLITANO, Mr. EVANS, Mr.

MICHAUD, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. FORD, Mr. SALAZAR, Ms. HARMAN, Mr. EDWARDS, Mr. ROSS, Mr. HOLDEN, Mr. THOMPSON of California, Mr. TANNER, Mr. MARSHALL, Mr. ETHERIDGE, Mr. MELANCON, Ms. BEAN, Mr. TAYLOR of Mississippi, Mr. BOREN, Mr. BERRY, Mr. McDERMOTT, Mr. STARK, Mr. CLEAVER, Mr. HOYER, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. LARSON of Connecticut, and Mr. MURTHA):

H.R. 5771. A bill to reduce the incidence of suicide among veterans; to the Committee on Veterans' Affairs.

By Mr. BOUSTANY:

H.R. 5772. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names, images and likenesses of members of the Armed Forces; to the Committee on Armed Services.

By Mr. FOLEY:

H.R. 5773. A bill to require the Attorney General to establish and implement a program to make grants to States for fingerprinting programs for children; to the Committee on the Judiciary.

By Ms. HARRIS (for herself and Mrs. MYRICK):

H.R. 5774. A bill to require the Secretary of Veterans Affairs to publish a strategic plan for long-term care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OSBORNE:

H.R. 5775. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain concentrated animal feeding operations for the cost of complying with environmental protection regulations; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5776. A bill to amend the Help America Vote Act of 2002 to establish standards for the distribution of voter registration application forms, and for other purposes; to the Committee on House Administration.

By Mr. PEARCE:

H.R. 5777. A bill to amend the Help America Vote Act of 2002 to prohibit a State receiving payments under such Act from using the payments for public communications which promote or oppose a candidate for public office or political party; to the Committee on House Administration.

By Mr. RAHALL:

H.R. 5778. A bill to provide further incentives for the commercialization of coal-to-liquid fuel activities; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 5779. A bill to establish the treatment of actual rental proceeds from leases of land acquired under an Act providing for loans to Indian tribes and tribal corporations; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 5780. A bill to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and underlying security, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 5781. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Resources.

By Mr. PAUL:

H. Con. Res. 445. Concurrent resolution commending the National Aeronautics and Space Administration on the completion of the Space Shuttle Discovery's mission; to the Committee on Science.

By Mr. CROWLEY (for himself and Mr. WILSON of South Carolina):

H. Res. 911. A resolution expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006; to the Committee on International Relations.

By Mrs. BIGGERT (for herself and Mr. KANJORSKI):

H. Res. 912. A resolution supporting the goals and ideals of National Life Insurance Awareness Month; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 913. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of India for the loss suffered during the terrorist attacks in Mumbai, India, on July 11, 2006; to the Committee on International Relations.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mrs. EMERSON.  
H.R. 347: Mr. INGLIS of South Carolina.  
H.R. 503: Mr. ROGERS of Kentucky.  
H.R. 550: Mr. JEFFERSON and Mr. SIMMONS.  
H.R. 772: Mr. RAMSTAD, Mr. JONES of North Carolina, and Ms. CORRINE BROWN of Florida.  
H.R. 822: Mr. KENNEDY of Rhode Island.  
H.R. 830: Mr. CAPUANO and Mr. AL GREEN of Texas.  
H.R. 1020: Mr. UPTON.  
H.R. 1059: Mr. CUMMINGS and Mr. WYNN.  
H.R. 1249: Mr. PASCRELL and Mr. FERGUSON.  
H.R. 1369: Mr. GONZALEZ.  
H.R. 1447: Mr. DAVIS of Alabama.  
H.R. 1548: Mr. MCINTYRE.  
H.R. 1578: Mr. LARSON of Connecticut.  
H.R. 1806: Mr. ISRAEL.  
H.R. 1951: Mr. SHUSTER and Mr. PICKERING.  
H.R. 2239: Mr. MILLER of Florida.  
H.R. 2429: Mr. SHAYS.  
H.R. 2568: Mr. MOORE of Kansas.  
H.R. 2569: Mr. BAIRD.  
H.R. 2736: Mr. GORDON.  
H.R. 2758: Mr. FRANK of Massachusetts and Mr. FILNER.  
H.R. 3049: Mr. PETRI.  
H.R. 3055: Ms. JACKSON-LEE of Texas and Mr. PAYNE.  
H.R. 3063: Mr. BROWN of Ohio.  
H.R. 3082: Mr. MICHAUD.  
H.R. 3502: Mr. McDERMOTT.  
H.R. 3715: Mr. FRANK of Massachusetts.  
H.R. 3882: Mr. SANDERS.  
H.R. 4033: Mr. JACKSON of Illinois, Mr. DOOLITTLE, Mr. BERRY, and Mr. ADERHOLT.  
H.R. 4059: Mr. PICKERING.  
H.R. 4215: Mr. GRIJALVA.  
H.R. 4217: Mr. DAVIS of Tennessee and Ms. BEAN.  
H.R. 4264: Mr. NEY and Ms. BORDALLO.  
H.R. 4542: Mr. BRADLEY of New Hampshire.  
H.R. 4562: Mr. CARNAHAN, Mr. CANNON, Mr. PLATTS, Mr. PRICE of North Carolina, Mrs. SCHMIDT, Mr. BARROW, Mr. WILSON of South Carolina, Mr. NEY, Mr. HOYER, and Mr. SHUSTER.  
H.R. 4597: Mr. PETERSON of Minnesota.  
H.R. 4751: Mr. HOEKSTRA.  
H.R. 4772: Mr. HOLDEN.  
H.R. 4823: Mr. LIPINSKI, Ms. KAPTUR, Mr. LEACH, Mr. DINGELL, and Mr. SHIMKUS.  
H.R. 4873: Mr. OBERSTAR.  
H.R. 4949: Mr. GOODLATTE.  
H.R. 4993: Mr. HINOJOSA and Mrs. DAVIS of California.  
H.R. 5005: Mr. GREEN of Wisconsin.  
H.R. 5013: Mr. REHBERG and Mr. HAYWORTH.  
H.R. 5018: Mr. MELANCON.  
H.R. 5022: Mr. DICKS, Mr. TIERNEY, Mr. SCHWARZ of Michigan, Mr. CUMMINGS, Mr. INGLIS of South Carolina, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. SAXTON, Mr. HALL, and Mr. DELAHUNT.  
H.R. 5023: Ms. BALDWIN.  
H.R. 5024: Mr. HINOJOSA.  
H.R. 5139: Mr. GEORGE MILLER of California.  
H.R. 5140: Mr. GEORGE MILLER of California.  
H.R. 5159: Mrs. DRAKE.  
H.R. 5202: Ms. HERSETH.  
H.R. 5230: Mrs. BLACKBURN and Mr. JINDAL.  
H.R. 5249: Mrs. SCHMIDT, Mr. BOUSTANY, and Mr. MCGOVERN.  
H.R. 5265: Mr. WU.  
H.R. 5278: Mr. ANDREWS.  
H.R. 5291: Mr. TIBERI.  
H.R. 5339: Mr. OWENS and Mr. BRADY of Pennsylvania.  
H.R. 5348: Mr. VAN HOLLEN, Mr. WYNN, Mr. UDALL of Colorado, and Mr. MEEHAN.  
H.R. 5382: Mr. LINCOLN DIAZ-BALART of Florida.  
H.R. 5424: Mr. NUNES.  
H.R. 5468: Ms. SLAUGHTER, Mr. SERRANO, and Mr. BISHOP of New York.  
H.R. 5479: Mr. MCINTYRE, Mr. OTTER, and Mr. BOOZMAN.  
H.R. 5482: Ms. WATERS and Mr. LANTOS.  
H.R. 5484: Mr. CAMPBELL of California and Mr. GORDON.  
H.R. 5499: Mr. BOEHLERT, Mr. BRADLEY of New Hampshire, and Mr. FOLEY.  
H.R. 5536: Mr. LARSEN of Washington.  
H.R. 5562: Mr. KING of New York.  
H.R. 5583: Mr. BOSWELL, Mr. CARDOZA, Mr. DAVIS of Tennessee, Mr. ENGEL, Mr. ETHERIDGE, Ms. HERSETH, Mr. HIGGINS, Mr. JACKSON of Illinois, Mr. MARSHALL, Mr. BROWN of Ohio, and Mr. SALAZAR.  
H.R. 5598: Mr. McDERMOTT.  
H.R. 5624: Ms. JACKSON-LEE of Texas.  
H.R. 5657: Mr. JEFFERSON.  
H.R. 5669: Mr. BISHOP of Georgia, Mr. RANGEL, Ms. HART, Mr. ENGLISH of Pennsylvania, and Mr. CLEAVER.  
H.R. 5671: Mr. STRICKLAND.  
H.R. 5674: Ms. MOORE of Wisconsin.  
H.R. 5682: Mr. HALL, Mr. SMITH of Texas, and Mr. NEUGEBAUER.  
H.R. 5704: Mr. KIND, Ms. SLAUGHTER, and Ms. BALDWIN.  
H.R. 5733: Mr. FOSSELLA, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, and Mr. OWENS.  
H.R. 5740: Mr. DENT and Mr. KUHL of New York.  
H.R. 5758: Mr. BISHOP of Georgia.  
H.J. Res. 88: Mr. KINGSTON.  
H.J. Res. 90: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, and Mr. WU.  
H. Con. Res. 346: Mr. HERGER.  
H. Con. Res. 416: Mr. SERRANO, Ms. BORDALLO, Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. CROWLEY, Mr. MCGOVERN, and Mr. ISRAEL.  
H. Con. Res. 434: Mr. VAN HOLLEN, Mr. SAXTON, Mr. PAYNE, Mr. BISHOP of New York, and Ms. WOOLSEY.  
H. Res. 295: Mr. KUCINICH, Mr. CASTLE, Mr. PAYNE, Mr. BOOZMAN, Mr. ETHERIDGE, and Mr. MCGOVERN.  
H. Res. 490: Mr. CUMMINGS, Mr. CONYERS, and Mr. MEEKS of New York.  
H. Res. 533: Mr. PRICE of Georgia, Mr. ADERHOLT, Mr. WESTMORELAND, Mr. CAMPBELL of California, Mrs. DRAKE, Mr. KIRK, Mr. McHENRY, Mr. FORBES, Mr. CONAWAY, Mr. DAVIS of Kentucky, Mr. DEAL of Georgia, Mr. FEENEY, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. MACK, Mr. MANZULLO, Mr. TERRY, Mr. MEEK of Florida, Mr. HALL, Mr. SIMPSON, Mrs. WILSON of New Mexico, Mr. MCCAUL of Texas, Mr. CARTER, Mr. ROGERS of Michigan, Mr. MURPHY, Mr. KING of Iowa, and Mr. DICKS.

*July 12, 2006*

CONGRESSIONAL RECORD—HOUSE

**H5129**

H. Res. 605: Mr. LAHOOD, Mr. BUYER, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mr. NORWOOD, Mr. BASS, Mr. STEARNS, Mr. UPTON, Mrs. MYRICK, Mr. PITTS, Mr. HALL, Mr. TERRY, Mr. SULLIVAN, Mr. MURPHY, Mr.	SHADEGG, Mrs. BONO, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. RADANOVICH, and Mr. ENGEL.	H. Res. 852: Mr. GOODE.
	H. Res. 848: Mr. BURTON of Indiana and Mr. WAXMAN.	H. Res. 863: Mr. RANGEL and Mr. OWENS.
		H. Res. 903: Mr. ENGLISH of Pennsylvania, Mr. COSTA, Mr. GOHMERT, and Mr. MILLER of Florida.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, WEDNESDAY, JULY 12, 2006

No. 90

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWBACK, a Senator from the State of Kansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, whose compassionate love sustains us, hear our prayer. Guide our Senators in their labors. Show them the path that leads to fulfilling Your will. In Your love, keep them faithful. When clouds obscure the way, let them know the peace of Your presence. Fortify them with Your might so that they will be instruments of Your purposes. Give them wisdom to make laws that will meet the challenges of our times.

Lord, teach us all the discipline of patience so we will learn to wait on Your providence. We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SAM BROWBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 12, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWBACK, a

Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. BROWBACK thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning, we will start with 1 hour of morning business. At approximately 10:40 a.m., we will resume work on the Homeland Security appropriations measure. Yesterday, we disposed of seven amendments, and there are two amendments currently pending. Today we should have another full day on the bill with votes occurring throughout the day.

As I have said previously, we will finish the bill this week, and, therefore, we will stay as late as necessary over the next couple of days in order to complete our work on this Homeland Security bill. I thank Senators for their cooperation in working with the managers of the Homeland Security measure. We are making good progress, and we want to complete the bill shortly. I look forward to finishing the appropriations bill, in all likelihood, on Thursday.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Georgia is recognized.

### IRAQ AND THE GLOBAL WAR ON TERRORISM

Mr. CHAMBLISS. Mr. President, I rise this morning to address America's ongoing efforts in Iraq and the larger war on terrorism.

Our Nation continues its steadfast resolve to bring security and prosperity to the Iraqi people, and President Bush is leading that effort with the help of this Congress and the American people.

Amidst press reports, which are generally not reflective of the most important things going on in Iraq, I want to review some recent successes that highlight the progress we are making.

BG Kurt Cichowski, Deputy Chief of Staff for Strategy, Plans and Assessment of the Multi-National Force-Iraq, recently announced that the Iraqi security forces will assume full control of the southern Muthanna. According to General Cichowski:

The transfer of security responsibility from U.S. forces to the Iraqi security forces clearly demonstrates an Iraqi success and signifies a tangible beginning to a new phase in the history of this nation.

Muthanna is the first of Iraq's 18 provinces to be fully transferred from coalition to Iraqi security forces control. This latest move is a result of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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joint evaluation and collaboration between the provincial governor and the coalition ground commander and clearly represents another turning point in our efforts in Iraq.

Further, recent successes in joint raid operations dramatically demonstrate the real progress we are making on the ground against the insurgents. This past Friday, joint raids were conducted on a building which had been used as a base of operation by Abu Deraa, a top commander of the Shiite militia. The Department of Defense reported the killing or wounding of between 30 and 40 militia gunmen and the capture of a high-level militia commander. That same day, Iraqi police officers captured yet another top insurgent commander who is believed to have been involved in smuggling weapons, bankrolling terrorists, and launching attacks against American troops. This is the kind of progress we are making on which, for whatever reason, the media chooses not to focus.

Only yesterday, Iraqi Ambassador Khalilzad, addressing the Center for Strategic and International Relations here in Washington, spoke with justifiable pride and confidence concerning Iraq's future and its ability to meet the challenges of governing a previously divided nation.

Let me quote liberally from some of what the Ambassador said:

Today, Sunni Arabs are full participants in the political process, with their representation in the national assembly now proportional to their share of the population . . . they have largely come to see the United States as an honest broker in helping Iraq's communities come together around a process and a plan to stabilize the country.

He also noted that:

al Qaeda in Iraq has been significantly weakened during the past year . . . which has coincided with the inauguration of Iraq's first ever government of national unity . . . and the recent announcement by Prime Minister Maliki of his government's National Reconciliation and Dialogue Project.

The Ambassador also reported that:

[A] chasm has been developing between al Qaeda and those Sunni Arabs in Iraq who have been part of the armed opposition. Previously, many Sunni Arab insurgents saw al Qaeda's operations as beneficial for their own cause. Now, the Sunni Arabs increasingly understand that the terrorists are not interested in the future of Iraq and that al Qaeda's leaders see Iraqis as cannon fodder in an effort to instigate a war of civilizations. More and more, Iraqi Sunni Arab insurgents reject the cynical game. Osama bin Laden's specific denunciation of Sunni Arab political leaders, such as Vice President Tareq Hashami, and recently captured documents indicate that al Qaeda's leadership knows that they are losing ground as a result of Iraq's reconciliation process. They know that if reconciliation goes further and begins to hollow out the Sunni Arab armed opposition, it is a mortal threat to their terrorist movement.

Let me say about Ambassador Khalilzad, having been to Iraq on four occasions myself, having met with the Ambassador each time I was there, plus having met with him previously when he was in Afghanistan, and on other oc-

casions when he was here, this man is extremely well respected by the Iraqis. He is the right man in the right place to help improve America's image and to continue the dialogue with the Iraqis to make sure that we move that country forward in a democratic process.

Some would have us ignore these successes or simply never hear of them. Some would have us abandon these noble efforts and those of well over 100,000 service members working every day to bring about a peaceful Iraq. But the cost of doing so is too high, the consequences too horrible. We simply cannot permit the villainous hand of terrorism to strangle America's resolve and snuff out the coalition and Iraqi successes which are bringing hope to the hopeless and victory to the previously subjugated people of Iraq.

Iraq remains absolutely central to the war on terror. On June 7, 2006, American and coalition forces dealt a powerful blow to the terrorists when they killed the leader of al-Qaida in Iraq, Abu Musab al-Zarqawi. The elimination of al-Zarqawi, who had claimed responsibility for attacks on U.S. citizens since 2002, is a major victory in our global war on terrorism as our counterterrorism forces, together with our intelligence community, demonstrated our tenacity, our capabilities, and our intent to winning this war on terror.

While we continue to identify, capture, and kill terrorists and prevent them from turning Iraq's fragile democracy into a lawless training ground from which they can launch attacks against our homeland and against their own peaceful citizens, we must not forget that this is, indeed, a global war on terrorism. Only yesterday did the world witness a tragic terrorist event in the world's largest democracy, India, where seven nearly simultaneous bombings killed more than 100 innocent people and injured hundreds more on the Mumbai commuter rail. This heinous act of terrorism is sadly too familiar. It was just 1 year ago that al-Qaida perpetrated the synchronized bombings in London, killing over 50 people and wounding hundreds more.

Terrorists are still seeking to kill Americans with similar attacks on our own soil. Just last week, we learned that the FBI, working together with their counterparts in Lebanon, arrested an individual in a plot to detonate explosives in the Holland Tunnel in New York City. Earlier this month, the FBI arrested seven suspects of an al-Qaida-inspired group in Miami for their efforts to wage jihad against Americans and for plotting to destroy the Sears Tower in Chicago, IL. Even in my home State of Georgia, alleged terrorists, again inspired by al-Qaida's violent ideology, in collaboration with their counterparts in Canada, Europe, and South Asia, were planning attacks in the United States.

Despite these and other activities to attack our homeland, there has not

been a single terrorist attack on U.S. soil since September 11. This is due to this administration's policy of taking the fight to the terrorists, denying them sanctuary in Afghanistan, Iraq, and elsewhere, working closely with our foreign partners, and strengthening our Nation's counterterrorism capabilities.

The world changed on September 11, 2001, demonstrating that it is vitally important that the President of the United States has the power and authority to protect the American people from future acts of terrorism. Programs such as the Terrorist Surveillance Program or the Terrorist Finance Tracking Program which, based on intelligence leads, carefully targets terrorist communications or financial transactions, are essential tools in the war on terror. If there are people talking or communicating with terrorists, plotting against Americans, or sending money to help al-Qaida, then we need to know about it.

We know too well that terrorists are able to sneak into a country and hide among law-abiding citizens. Too often, we have witnessed the horror they cause in places such as Iraq, Tel Aviv, Madrid, London, and unfortunately, in the United States. It is abundantly clear that these types of important programs are necessary to address the previous flaws in our early warning system that allowed at least two of the September 11 murderers to live among us.

These vital programs make it more likely that terrorists will be identified and located in time to prevent another disaster.

These efforts and capabilities are winning the war on terrorism and keeping Americans safe. Unfortunately, unauthorized disclosures of some of these most sensitive investigations and programs are undermining our abilities and providing vital information to those killers who continuously seek to do us harm. The disclosure of our intelligence operations places our personnel, sources, and methods at risk. These operations are our first line of national security defense. The Government classifies information regarding our intelligence activities for a reason. When terrorists know how we are tracking them, they change the way they operate, making it harder to catch them. That makes this Nation less safe.

Osama bin Laden was clear in his intent to continue to wage Jihad against America and peace-loving people worldwide when he said in his recent videotaped message released on June 30, 2006:

We will continue to fight you and your allies everywhere, in Iraq, Afghanistan, Somalia, and Sudan to run down your resources and kill your men until you return defeated to your Nation.

As bin Laden makes clear, al-Qaida is still seeking to kill Americans and innocent people worldwide, and they are spreading their message of hate and

murder through the media and Internet. But America will not be defeated. This is a war we cannot and will not lose. We must put an end to the unauthorized leaks of sensitive information that aids our enemies in their plans to kill Americans and avoid capture. We must also continue to improve our counterterrorism efforts, finding new ways to disrupt enemy planning, eliminate terrorists from the battlefield, and strengthen collaboration within our intelligence, defense, and homeland security organizations.

Our intelligence community, the Department of Defense, and law enforcement organizations across this Nation remain vigilant, and we owe our support and a debt of gratitude to these dedicated men and women who are on the front line of the global war on terror. We are indeed winning, but as it has been pointed out, this is a long war. The President is leading that effort with the help of this Congress, and together we are keeping Americans safe.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT Pro Tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HOMELAND SECURITY APPROPRIATIONS

Mr. FRIST. Mr. President, yesterday a series of eight explosions struck the heart of Mumbai, India, during the evening rush-hour commute. At least 180 innocent civilians were killed and more than 700 were injured in the blast.

On behalf of this Senate and the American people, I express my heartfelt condolences to the victims, to their families, and to the Indian people. We share in your grief and in your determination to hunt down the criminals who carried out this despicable act. We will stand shoulder-to-shoulder with the Indian people and the Indian Government in order to bring the perpetrators of these attacks to justice.

Yesterday's bombings came less than a week after the 1-year anniversary of the London bombing attacks and less than a month after a thwarted terrorist plot against the New York City subway system was revealed. These cowardly acts remind us again and again of our responsibility to protect and secure the American homeland.

As we learned on 9/11, terrorists need to get it right just once. They exploit whatever weaknesses they can find, deliberately targeting hard-working men and women on their way to work or back from work, schoolchildren on the way to their daily school activities, vacationers on the way to the beach. In the face of such threats, we must be ever vigilant. Our pursuit must be determined. It must be tireless—breaking

up terrorist cells, destroying their financing, chasing down the money trail, and bringing each and every collaborator to justice. We have to strengthen our weaknesses and we have to root out whatever vulnerabilities we have.

That is why the bill that is on the floor today, the Homeland Security bill, is so important. The Homeland Security spending bill provides over \$32 billion to strengthen our ports, America's ports, our borders, our transit systems. It provides financial support for 100 new rail inspectors and canine teams, enhancing our Nation's railway security and ensuring that bombings such as those that happened in Mumbai and London aren't repeated here.

It adds 1,000 more Border Patrol agents, investigators, and those detention officers whom we know are so important in carrying out those responsibilities of securing our borders. Coupled with the spring supplemental, we will have added over 2,000 new agents in 1 year. That brings the total to over 14,300 Border Patrol agents.

The bill also expands much needed detention space—places to put people who illegally cross the border while justice is being administered—with 1,000 new beds so that we can be sure people caught entering this country illegally are not released before their cases are properly prosecuted. Taken with the spring supplemental, we will have added over 5,000 beds along the border in 1 year, bringing the total number to over 25,300 beds.

The bill provides nearly \$8.2 billion to the Coast Guard to protect the 95,000 miles of shoreline border and to inspect both foreign and domestic ports. It funds grants so that high-threat, high-density urban areas can strengthen their infrastructures against threat vulnerabilities. It supports our first responders so that our firefighters, police officers, and paramedics have the training they need should disaster strike. It provides more than \$818 million to combat weapons of mass destruction through appropriate research for biological and chemical countermeasures as well as for the Domestic Nuclear Detection Office to expand nuclear research and radiological detection.

We have to use every single tool available to prevent further attacks on American soil. That is why this bill is so important, the Homeland Security spending bill. It ensures that vital programs critical to our national security have the funding they need to be an effective defense.

Yesterday's bombings in Mumbai were part of a well-coordinated attack. We must pass the Homeland Security spending bill swiftly to ensure that similar attacks are not repeated and especially are not repeated on American soil.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the status of morning business, comparing majority and minority?

The PRESIDING OFFICER. The Democratic leader controls 30 minutes.

Mr. REID. That time would begin now?

The PRESIDING OFFICER. Yes, that is correct.

#### A DO-NOTHING CONGRESS

Mr. REID. Mr. President, yesterday was a day where we did not accomplish much on the Senate floor. But we haven't accomplished much the entire congressional session. We have 22 days left to do business until the adjournment date announced by the distinguished majority leader—22 days. We have so much to do and we have done so little.

It is not me, the Democratic leader, who is saying this is a do-nothing Congress. This is what all the pundits have written about. We have wasted time on a political agenda.

What is a political agenda? We have spent days and days on an estate tax repeal that has no bearing on 99.8 percent of all the American people. It affects less than two-tenths of 1 percent of all the people in America, but we have spent days of our time here on the Senate floor dealing with this issue.

Flag burning—it doesn't matter how you feel about flag burning. Is it the right thing to do, to take up precious days of the Senate time on flag burning? In the little town where I was born and I still have my home they are patriotic people. On the Fourth of July, I was there. The flags were flying in that little town. But flag burning doesn't have direct bearing to their lives.

The marriage amendment—I believe in the sanctity of marriage, but is it something we should spend time on with a constitutional amendment? During the time we have been a country, there have been more than 11,000 attempts to amend the Constitution. In the last 12 years, we had 1,000 amendments to the Constitution filed. One we have spent a lot of time on, unnecessarily, is the marriage amendment. We have spent days of our time here in the Senate on this issue. The people in Searchlight, NV, would rather that we dealt with things that are important, not flag burning, not gay marriage, not the estate tax. With the limited amount of time we have left, we, the minority, the Democrats, believe we have to do some things and do them before the August recess—things that affect people in my little town, Searchlight, NV.

Stem cell legislation—it is difficult to watch, before your eyes, someone who deteriorates with Parkinson's disease. You can see it happen. No matter



how often they go to the physician, the ravages of that disease go forward. How many times does a little child have to be pricked with a needle before the majority over here understands that we have to do something about Parkinson's disease, juvenile diabetes, adult-onset diabetes? We have to do something about Lou Gehrig's disease, Alzheimer's, multiple sclerosis. These diseases have some bearing on what people are hoping for—that we will do here in the Senate.

I had the opportunity when I was home this past recess to visit Danielle DeLee, from Searchlight, NV. She is graduating from high school this year. The reason I wanted to see this young lady is she is going to go to Yale next year—a girl from Searchlight. It is the first time in the history of that little town that someone can go to Yale. That is because she is a brilliant young lady. They saw when she was a little girl that she had academic talent which that little town couldn't handle. This young lady, because she is so smart—do you know what she is going to study at Yale? Math. Math. From Searchlight, NV, she is going to go to Yale and study math.

Because of her brilliance, she will be fine. There are scholarships that will take care of her. But that is not the way it is with most people. Most people are not as smart as Danielle DeLee, and they need help. But not with this Republican-dominated Congress. They have taken away, not added to, the ability to go to school. Tuition deductibility from parents' income tax is not available. A child's ability to go to college should not be dependent on the fact that they are a brilliant person like Danielle or on how rich his or her parents are. The rest of us, people like me, who are average, should be able to go to college if we get some student loans and work a little bit. But that is not the way it is. This Republican-dominated Congress, this do-nothing Congress, is preventing people from going to college.

In Searchlight, because Las Vegas is 60 miles away and Boulder City is 43 miles away, the one thing everybody in that town is concerned about is gas prices. Frankly, if you listed in Searchlight what was important to them, where would flag burning be? Where would gay marriage be? Where would estate tax repeal be? It is not in their vocabulary. But how much they pay for a gallon of gas—which, by the way, in Nevada is over \$3 now. Gas prices in the last week have gone up 11 cents a gallon. In Reno, they are even higher than in Las Vegas. People there care about gas prices.

They care about what is going on in Iraq. Today on the morning news I heard that the Comptroller General of the United States now says the war is costing \$3 billion a week. People care about that war. On the way back to Searchlight one night last week, I stopped in a restaurant—Evans Grille in Boulder City—and a young man

came up to me and said: It is nice to see you. I went to his son's funeral. He was a Navy SEAL. He was killed—21 years old, killed. He cares about the war and how long it is taking and what we are accomplishing there.

Maybe the fifth thing we want to deal with here before the August recess is the Voting Rights Act renewal. Maybe people in Searchlight don't care about that as much as they do about stem cell research, college affordability, gas prices, the war in Iraq, but if they really thought about it, the Voting Act's renewal would be important.

What people went through to have that law passed.

I just finished reading a wonderful book when I was home entitled "Water's Edge." To have the Voting Rights Act passed, of course, you had the leadership of Dr. Martin Luther King, which was as strong a leadership as you will ever see. But we see his leadership. But what we tend to forget are the deaths—plural—such as Ms. Liuzzio from Detroit, a white woman who came down. She was so concerned that she told her husband she wanted to come and her children. She came and participated in the Selma march. When it was all over, she was giving some people a ride back to Selma from Montgomery. A Klu Klux person shoots her in the head and kills her. Pastor Reeb, who came from California to participate, walked away from the crowd and they bashed him in the head. Another Klansman killed him.

These are just two examples of death and destruction—not hundreds of people being beaten, dogs sicced on them, but thousands had been beaten.

We want to renew this. We are having it held up here and held up in the other body. The Democrats want these issues to go forward, and we want it done before the August recess.

The distinguished assistant minority leader, Senator DURBIN, and I, along with Senator SCHUMER and Senator STABENOW, signed a letter to Senator FRIST, saying after we finish homeland appropriations, let us do the stem cell research. That is the least we can do.

Mr. DURBIN. Mr. President, would the minority leader yield for a question?

Mr. REID. I would be happy to.

Mr. DURBIN. This is the Senate calendar which is published every day that we are in session. This one is from Wednesday, July 12. Turn to page 22, H.R. 810, an act to amend the Public Health Service Act to provide for human embryonic stem cell research. If I am not mistaken, I would like to ask the minority leader—the stem cell research bill has been sitting on the Senate calendar, as passed by the House in a bipartisan way, for more than 1 year, as we meet today.

Mr. REID. For 13½ months.

Mr. DURBIN. I ask the minority leader: Have the Democrats come forward and asked that this bill be scheduled for floor consideration and debate

repeatedly during that 13-month period?

Mr. REID. I am sorry to reflect on what we have done. We have begged. I don't beg people for much of anything, but we have begged. I have been part of the begging in this body for the majority leader to move this matter forward because people at home are crying for hope. That is all they have left when they are sick.

Mr. DURBIN. I ask the minority leader: Does this stem cell research bill, H.R. 810, which passed the House in a bipartisan fashion, enjoy bipartisan support in the Senate? Does it have cosponsorship on both sides of the aisle? Is this strictly a Democratic issue?

Mr. REID. It is not a Democratic issue. We have had people of good will work together on this. We have had Democrats with a lot of seniority, Republicans with a lot of seniority, and clear down to those with little seniority, Democrats and Republicans, wanting to get this done.

Mr. DURBIN. I ask the minority leader, in the month of June, when we wasted 2 weeks on the floor of the Senate on a Constitutional amendment relative to flag burning, gay marriage, and an effort to provide tax relief for the wealthiest people in America relative to the estate tax, could we have called up this bill, H.R. 810, if the Republican leadership of the Senate had wanted it? Could it have been brought to the floor, debated, passed, and sent to the President in that period of time?

Mr. REID. Absolutely. We have done everything we could, as I have mentioned, including begging to get this matter before the Senate.

I mentioned this yesterday, and I will repeat.

I went to church last Sunday. A man tapped me on the shoulder. I looked behind me. He was in a wheelchair. I couldn't understand him at first because he doesn't speak well. He has advanced Parkinson's disease. As we listened closely—H.R. 810, could we do something to get it passed?

Mr. DURBIN. When the minority leader was in Searchlight, NV, during the Fourth of July recess, I was in the State of Illinois and traveled thousands of miles—from the city of Chicago, Rockford, southern Illinois, my roots down State, and town after town, not at one place nor at any one time did any single person come up to me and say: Let me tell you what I think about the flag burning amendment; or let me tell you what I think about the gay marriage amendment; or can you do something to reduce the estate tax for wealthiest people in America?

Did the Senator from Nevada have a similar experience? Did he go to a town meeting, as I have, and mention stem cell research without someone coming up to him—if they didn't volunteer during a meeting, maybe there is a little shyness—after the meeting and say: My daughter has juvenile diabetes? One lady told me she wakes her up twice

during the night to test her blood. Another person comes to me and says: My mother is in a nursing home with Alzheimer's. It has been going on for years. It is a burden on our family. Or into the congressional district now represented by Congressman LANE EVANS, my closest friend in our delegation and a personal hero to me, a man suffering from Parkinson's disease who now has to withdraw from public life to fight this battle—aren't these the real-life stories of real-life people who are not reflected in the agenda nor in the priorities of the Republican-led Senate?

Mr. REID. Mr. President, the people whom we visit in Nevada and Illinois and other places who have these problems are not Democrats only. They are Republicans. They are Independents. They want this Senate to do something to help us.

That is why I am so disappointed that we have been literally wasting our time on issues that have no relevance.

Remember the months and months we spent on that fictitious issue that we should not have dealt with about uprooting the foundation of our country, to change the quality of the Senate, to make it a unicameral legislature—so-called nuclear option—because they didn't get all the judges they wanted. They were willing to throw this Senate into something it had never been before. We spent all of that time, when we could have been doing stem cell research legislation; we could have been doing something about gas prices and the other things we have spoken about.

Mr. DURBIN. Mr. President, let me ask the minority leader one last question about stem cell research. Before we adjourned, Senator FRIST, the Republican leader, came to the floor and propounded a unanimous consent request to bring up this bill, H.R. 810, and two other bills related to the issues. We agreed on a bipartisan basis.

I ask my friend and colleague from the State of Nevada, has the Republican leader set this matter—this unanimous consent request for the stem cell research—to come before the Senate? Has he set it for the Senate calendar? Do we know if or when this is going to be called?

Mr. REID. Let me recount, briefly, the ups and downs—mostly downs—of this legislation. I can remember months ago when my friend, Dr. BILL FRIST, majority leader of the Senate, stood right there and stunned me and most of America by saying: I support H.R. 810, stem cell research. That made me feel so good. I thought that we were going to see the end, we are going to see the light at the end of the tunnel. But I am sorry to say nothing has happened since then.

We finally got a unanimous consent request before we had the Fourth of July recess. As the leader said, he would bring it up. And I understand he told the press on Monday he would be willing to do it sometime this work period. I hope that is the case.

But no, the answer is we do not have a time yet to debate this legislation. It is not going to take a lot of time. It isn't a bill that is going to take days and days. We have 12 hours of debate. We could do it all in 1 day. I am willing to do it all in 1 day.

Mr. DURBIN. Mr. President, I ask another question of the minority leader. I would like to do something that is maybe unprecedented in the modern history of the Senate. We might even meet on Monday. How about a Friday? How about giving 12 hours of our life on a Friday for the millions of Americans who are desperate for this medical research to bring hope to their families and their children. It would be unprecedented, would it not—I ask the minority leader from Nevada—for us to actually say: All right. This is so important that we will take 12 hours on a Friday or 12 hours on a Saturday. How about that? The Senate would actually meet for 12 hours straight on Saturday and send this bill to the President, if we could muster the 60 votes on a bipartisan basis. I can't speak for our caucus, but I am prepared to stay. Pick the day. Let us take the 12 hours, let us meet at 9 o'clock in the morning and stay until 9 o'clock at night and get it finished.

Would the leader from Nevada believe that to be a radical suggestion?

Mr. REID. The Senator from Illinois and I came to Washington together. We were so proud. In 1982, we finally made it to Washington, DC.

The Senator mentioned LANE EVANS. He was with us. It was a big class. In the House of Representatives in those days, with Tip O'Neill and Jim Wright, we worked nights, Fridays, Mondays, Saturdays in the House of Representatives. Now basically they have a 2-day workweek. In the Senate, we work 3 days. I realize we have just a few days left before the August recess. The House, in fact, is adjourning about a week before we do. They have 2 more weeks. We have 3 more weeks after this week. But it so good for the country if we could do something about stem cell research and finish that. If we could get the Voting Rights Act before us and have a real debate on what is going on in Iraq, we might be able to get that done with the Defense appropriations bill. We know the law of the land now. The law, as we speak, is that the year of 2006 will be a year of significant transition in Iraq. Everyone in America knows about that, except the President. He is staying the course. We are spending \$3 billion a week now.

I hope we can take a look at gas prices.

The Senator is absolutely right. We need to roll up our sleeves and get this work done. I don't want to be a part of a do-nothing Congress. But I have to say to my friend that at this stage this is a do-nothing Congress. Harry Truman, who invented the term, as far as I know, is looking down from someplace and saying: Look, you got me beat.

Mr. DURBIN. Mr. President, the purpose of the two of us coming to the floor today is to make it clear that we want this month of August to be a month of significant transition in the Senate; to move us from a do-nothing Senate to actually take up issues that people across America care about.

We wrote a letter to Senator FRIST which said schedule stem cell research and give us a date certain to let us move forward. As the Senator said, let us move forward on this debate on Iraq. Let us move forward on help paying college tuition costs, particularly for working families. Let's do something about energy costs and gasoline prices. All of these things I think fit into an agenda that is timely and important for the American people.

I ask the Senator from Nevada the following question: Did he notice this morning on the front page of the Washington Post that the chief of police in the District of Columbia noted that since July 1 there have been 13 murders in our capital city? And in that period of time, 12 days, 13 murders have created such a stir and concern that he has declared it is a time of criminal emergency in the Nation's capital because of the murder rate.

I ask the Senator from Nevada if he is aware of the fact that in the last 3 days in the capital of Iraq, in Baghdad, 100 people have been murdered in 3 days? Is he aware of the fact that just a few months ago, former Iraq Prime Minister Ayad Allawi said: If this is not civil war, then God knows what is.

I ask the Senator from Nevada, are we going to see the end of the Senate debate on Iraq come down to cut-and-run versus stay-the-course? Is that as good as it gets in the Senate, the most deliberative body in our Government? Is that the end of the conversation on Iraq for this year as far as our agenda is concerned?

Mr. REID. Mr. President, I certainly hope not. This is an intractable war. We have seen the valor of our fighting forces. We have the finest military in the history of the world. They have shown that in Iraq, fighting in situations that have never been fought in before, not in the deserts of Iraq but in the cities, the slums, where snipers exist, where bombs are.

We need to have the President do what we tried to do when we offered an amendment on the Defense authorization bill to say that the year 2006 is a year of significant transition, that is the law of the land. Let's start redeploying our troops by the end of the year. We need to do that.

I say to my friend, changing the subject a little bit because we all need good news, here is some good news: I indicated that Dr. BILL FRIST stepped forward when he said he would support stem cell research. It was a big day for our country, to have a prominent transplant surgeon, someone who is imminently qualified in the medical field. Now his legislative valor on this issue, even though it is not as quick as I would like, has come to the forefront.

I just received a press release from the leader's office, majority leader BILL FRIST's office. This is something we need to celebrate. This is from Senator BILL FRIST:

The Senate will take up the three stem cell bills on Monday, July 17, and will complete all action by Tuesday, July 18. There's tremendous promise in stem cell research. . . .

That is really good news. I compliment and applaud the majority leader for allowing next week to go to stem cell research. To those people watching in America, it is good news. These people who have been hopeful—like the man who tapped me on the shoulder in church—we are going to do everything we can to get the 60 votes necessary to get this sent to the President's desk.

Mr. DURBIN. If the Senator from Nevada will yield, I address the comment and question to him.

Despite the fact we have been pushing for a year, even speaking to this issue in the Senate today, sending a letter to Senator FRIST tomorrow, I thank him and congratulate Senator FRIST. This is a bipartisan bill. It is critically important to our Nation to move forward on stem cell medical research.

When President Bush closed down this promising area of medical research almost 5 years ago, we left a void in terms of opportunity for finding cures for critical diseases.

It has never been a partisan issue. Former First Lady Nancy Reagan has pushed for stem cell research. Senator ORRIN HATCH, Senator ARLEN SPECTER—there have been so many who have stepped forward asking for stem cell research. In the spirit of this announcement from Senator FRIST, I hope we can move forward in a bipartisan fashion, pass the key bill, H.R. 810, by July 18, and send it to President Bush. I hope he will reconsider his promised veto of this bill.

I ask, if I might, of the Senator from Nevada, when it comes to the Voting Rights Act, another issue which the Senator raised, the Senator and I are from a common generation that recalls the civil rights struggle we lived through as we went through school and watched it unfold in America. The Voting Rights Act was passed to protect the rights of minorities to vote across the United States.

I ask the Senator from Nevada whether he is aware of a comment made by Jack Kemp, the former Republican Vice Presidential nominee, a former Republican Member of Congress, when speaking of the House Republicans' efforts to stop reauthorization of the Voting Rights Act—this has been occurring over the last few weeks—that former Vice Presidential nominee Jack Kemp said that his Republican Party had better get this thing passed; we need to get back on the right side of history.

I ask the Senator from Nevada, has this not been a bipartisan issue, the Voting Rights Act, where both parties tried to be on the right side of history

in moving toward more opportunity and striking down discrimination when it came to voting in elections in America?

Mr. REID. The Senator from Illinois and I served in the House with Jack Kemp. Jack Kemp was an all-star: a great quarterback in college, a great quarterback in the professional ranks, and a very good Member of Congress. He speaks the truth.

The Republicans need to get on the right side of history. Holding this up is not good for them. It is not good for our country.

Mr. DURBIN. I say to the Senator from Nevada in closing, there are Members in the Senate, and we are moving to the Homeland Security bill. That is a timely bill. I am glad we are considering it.

At another time, we will address the issue of increased cost of college education for working families and the failure of the Republican leadership to schedule opportunities for tax deductions and reductions in student loan costs for these students.

Of course, the energy issue is the issue I ran into all across Illinois. We have seen a doubling of gasoline prices under the Bush administration, there is a severe hardship on families and businesses, and still we have no energy policy to address this issue from this Republican-dominated Congress.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

#### STEM CELLS AND THE VOTING RIGHTS ACT

Mr. COBURN. Mr. President, I make a couple of points based on what we just heard.

The first has to do with stem cells. As the Presiding Officer knows, I am a practicing physician. I am still delivering babies on weekends and our breaks. I am concerned in our country because we are letting emotional issues far override what the science today says on stem cells.

We have a lot of people who have significant diseases who have been convinced that the only way those diseases will ever be solved is to use embryonic stem cells. The dishonesty in the debate is concerning to me as a physician because the real breakthroughs have not been with embryonic stem cells.

There are now 70 treatments being utilized every day in this country from stem cells derived from core blood and adult blood stem cells. There also is wonderful new research in the last year that says you can gain exactly the same pluripotent—a cell that will do anything—from germ cells, from altered nuclear transfer, from three different mechanisms to get the exact same ability to cure diseases and never destroy the first embryo.

We do not hear that in the debate. We do not hear the truth of what the science is showing us, and we do not recognize that even though the Federal Government is funding, in a limited

amount, embryonic stem cell research, the fact is, where the private money is going—it is not going to embryonic stem cell research, it is going to other pluripotent stem cell research that doesn't have anything to do with embryos.

This debate, as a physician and as a scientist, concerns me because it is not based on facts or on truth. For us to continue to belie the fact of what the science is showing us today creates a false impression based on politics and false hope. There is great hope for people with diabetes, there is great hope for people who have neurologic injury, but it is not coming from embryonic stem cell research; it is coming from pluripotent stem cell research outside of that. During the debate next week, I plan on making that point. I am going to counter every point that belies science and does not recognize the true facts out there today.

The final comment I will make is that the Voting Rights Act does not expire for a year and a half. We ought to get it right. We ought to make sure everyone is protected in this country in terms of the right to access. To say we have to do that right now, even though we are probably going to do it, to claim that we do not want to do it is a false claim. No. 2, we have plenty of time to do it even if we do not get it done this year. Those are important things for the American public to know and be aware of. No one in this Senate thinks we should not reauthorize the Voting Rights Act. But we ought to do it in a way that represents the principles on which this country is founded and not the politics of the next election.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Feinstein amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country

and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition.

Cornyn amendment No. 4577 (to amendment No. 4556), to provide for immigration injunction reform.

Mr. GREGG. Mr. President, there was an understanding that the Senator from New Mexico would offer the first amendment this morning, and then we can go to the Senator from Oklahoma. He has five amendments.

How much time will that take to offer?

Mr. COBURN. I will get through them fairly quickly.

Mr. GREGG. We presume that after the Senator from New Mexico proceeds, we will go to the Senator from Oklahoma for his five amendments. If other Members have amendments they wish to offer, we would like to have them bring them to the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 4591

Mr. BINGAMAN. Mr. President, I thank my colleagues for their courtesy. I call up amendment No. 4591 and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, Mr. CORNYN, and Mrs. HUTCHISON, proposes an amendment numbered 4591.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes)

On page 127, between lines 2 and 3, insert the following:

# **TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT**

## **SEC. 601. SHORT TITLE.**

This title may be cited as the "Border Law Enforcement Relief Act of 2006"

## **SEC. 602. FINDINGS.**

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate

border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region

## **SEC. 603. BORDER RELIEF GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and ac-

companied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term "eligible law enforcement agency" means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term "High Impact Area" means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A)  $\frac{3}{5}$  shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B)  $\frac{1}{5}$  shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

## **SEC. 604. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment is the Border Law Enforcement Relief Act which I have introduced before, along with Senators DOMENICI, CORNYN, and HUTCHISON. I offer this amendment on behalf of all of us again. It provides local law enforcement agencies in border communities with much-needed assistance in combatting border-related criminal activity.

During the debate on the immigration bill, this same legislation was proposed and agreed to by the Senate with a vote of 84 in favor and 6 against.

For far too long, law enforcement agencies that operate along the border have had to incur significant costs due

to the inability of the Federal Government to secure our Nation's borders. It is time the Federal Government recognize that border communities should not have to bear that burden alone.

Specifically, the amendment establishes a competitive grant program within the Department of Homeland Security to help local law enforcement agencies that are situated along the borders cover some of the costs they incur as a result of dealing with illegal immigration, drug trafficking, stolen vehicles, and other border-related crimes.

The amendment authorizes \$50 million a year and enables law enforcement within 100 miles of the border to hire additional personnel, to obtain necessary equipment, and to cover the cost of overtime and transportation costs. Law enforcement outside of this geographic limit, this 100-mile limit, would be eligible if the Secretary of Homeland Security certified they were located in what we designate as a "high impact area."

The United States shares 5,525 miles of border with Canada and 1,989 miles of border with Mexico. Many of the local law enforcement agencies that are located along the border are small. They are rural departments charged with patrolling large areas of land with few officers and with very limited resources. According to a 2001 study of the U.S.-Mexico Border Counties Coalition, criminal justice costs associated with illegal immigration exceed \$89 million every year. Counties along the southwest border are some of the poorest in the country and are not in a good position to cover these additional costs.

The States of Arizona and New Mexico have declared states of emergency in order to provide local law enforcement with immediate assistance in addressing criminal activity along the border. It is time, in my view, that the Federal Government step up and share some of that burden. So I urge my colleagues to support this important measure and to give law enforcement the resources they need to meet these challenges.

Mr. President, I met last week with sheriffs and local police chiefs in communities along the southern New Mexico border with Mexico and talked to them about the challenges they face and the need for additional personnel, the need for modern equipment. Clearly, they are faced with a very significant challenge because of the increased illegal activity going on along our U.S.-Mexico border. The assistance provided in this amendment is assistance that would be very important to them in carrying out their responsibilities to the citizens of those communities.

So I urge my colleagues again to support this amendment. I am informed this is an amendment the chairman has indicated might be acceptable. I am hoping we can have a vote, but I will at this point yield the floor until my colleague who is managing the bill can respond to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. BINGAMAN. Mr. President, I object for just a minute. My understanding is we were going to dispose of my amendment before we—

Mr. COBURN. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I apologize.

Mr. President, I ask unanimous consent that the Senator's amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4591) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### AMENDMENT NO. 4562

Mr. COBURN. Mr. President, if there is a pending amendment, I ask unanimous consent it be set aside, and I call up amendment No. 4562.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4562.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Mr. President, this is an amendment we have had several times on appropriations bills. It is about sunshine, pure and simple. What most Americans do not realize is that when conference reports come on appropriations bills, there are things that are added in the House that we in the Senate do not have any idea of what they are. They are not printed except in the report language. When we vote on the bill, we have no awareness whatsoever of what those things are.

This is a fairly simple amendment that just ensures that every earmark or directive must be included in the final Homeland Security appropri-

tions bill that is approved by both Chambers. The American people ought to get to see that, and we ought to be able to know, as Senators, what is in the bill.

This amendment is for transparency. It adds to the debate, and it provides the American taxpayers an additional safeguard that their money is not wasted on unnecessary projects that might jeopardize the Nation's fiscal health or lessen the impact of the Homeland Security bill.

The first time I offered this amendment, it was defeated. The second time I offered it, last year, we won it, and the third time we won it on separate appropriations bills. Thereafter, it was agreed to. That is all good and fine. But after it was done on every appropriations bill, it was dropped in conference, saying: We don't need to know what we are voting on. We don't need to have the information that we are having. The American people shouldn't know what we are voting on, and we shouldn't know what we are voting on.

I believe this is something that we ought to put into every appropriations bill. We ought to know what we are voting on. We ought to know who is responsible for what is in there. And we ought to be able to go home and defend it or object to it here on the floor. But nobody can make a case for us not knowing what is in the bill.

So my hope would be that the secrecy of the appropriations process or the sleight of hand in how things are written, so nobody can know where it is going or who put it there, would be eliminated. All this is is a sunshine amendment saying: We ought to know. My hope is we will accept this amendment, one, and then we will keep it in in conference so that when a conference bill comes back out, we can know what the House did on earmarks and directives, as well as knowing what we did.

I think it is a commonsense amendment. My hope would be the chairman and ranking member of this committee would accept this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the efforts of the Senator from Oklahoma in the area of making sure the taxpayers know where their money is being spent. I think it has been constructive, and I will be happy to accept the amendment. But I do believe that at least relative to this appropriations bill there ought to be some recognition of the fact that this is probably the cleanest bill brought to the Senate in the history of the Senate relative to what would be deemed earmarks in the pejorative sense.

I am not one of these people who subscribes to the view that the Congress should not earmark. I happen to believe there are a lot of instances where the congressional prerogative of spending the money requires that we do earmark in order to make the case against the executive branch, which can earmark unilaterally, and basically in

true secrecy, by simply spending the money however they want to spend it once we give it to them. Often their direction is incorrect, and the purpose of the Congress should be to redirect it.

Now, there are other earmarks, particularly like the famous "bridge to nowhere," and other things, that may and do have serious issues. I would take the entire highway bill that passed the Senate—of which I was one of four people who voted against it, which had \$24 billion of earmarks—as the most egregious example of when Congress got carried away with directing money inappropriately.

But there is a purpose for earmarks. And this bill is a classic example of that, quite honestly. The amendment, for example, that was offered yesterday by the Senator from West Virginia could be deemed an earmark amendment, I suppose, because he said specifically: Coast Guard, you shall purchase this plane; Customs, you shall refurbish this plane. You shall buy armament for these Coast Guard helicopters—all of which benefited some district in this country. And some Member of the Senate benefited from that by putting out a press release, I suspect, that we just bought an airplane for the Coast Guard, and it is going to be produced in someplace or other.

But the reason we had to do that was because the administration had not sent up the necessary capital improvements to make sure the Coast Guard had the aircraft, to make sure they had the armament on their helicopters, to make sure the helicopters were replaced, to make sure the vehicles were replaced because, for whatever reason, the Department of Homeland Security had not determined that those were priorities. We think they are priorities.

In this bill there are no, what you would call, district earmarks to speak of. There are a few probably in there somewhere, but nothing of any significance compared to what the average bill that comes through this place has. I do believe when we do our job right—which is the way I think this bill was done—when we do not use earmarks for the purposes of basically addressing an individual need that is maybe not within the context of the basic goal of the agency—although many things are that are deemed earmarks, that we rather use the earmark structure as a way of getting agencies to do what has to be done in order to complete their missions appropriately—that we should get credit for that.

This bill should be acknowledged as a bill that is a pretty good example of how this should be done right. So I appreciate the vigilance of the Senator from Oklahoma. He has become the watchdog of earmarks. And he is doing the Lord's work in many ways. I am perfectly happy to have sunshine on this bill because I think this bill is a classic example of the way it should be done.

So has the amendment been reported, Mr. President?

The PRESIDING OFFICER. The amendment is pending.

Mr. GREGG. Mr. President, I ask unanimous consent it be agreed to.

Mr. COBURN. Mr. President, reserving the right to object for one moment, I want to make a point. The example used of the Senator from West Virginia is exactly the way it ought to be done. It is out in the open. There is direction. His name is tied to an amendment. And everybody in America who is watching this place knows who is doing what they are doing.

This amendment is to make sure that happens. The point is not what we are doing. This amendment is as to what the House is doing. And I would confirm with the Senator, the chairman, that this is a great bill in terms of earmarks. There are very few in it. We study every bill to see where it is and what the direction is. My hope is that an example will be set. There are a couple of earmarks, directives in this bill we will be talking about in amendments, but I will tell the Senator that I agree and I appreciate the fact that we are seeing a little bit of a change in culture in that regard.

My hope would be, also—I might ask the Senator—if he would agree to hold this in conference so we can see what the House does when we come to the conference report.

With that, I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4562) was agreed to.

Mr. GREGG. In response to the Senator's request that I hold this in conference, I have no problem in trying to hold this in conference. As the Senator knows, the House has a different approach to some of these issues. But I think this is a very reasonable request. People should tie their names to what they are willing to spend taxpayer dollars on. It should be public, as the Senator said. That is the way we should do it. I am perfectly happy to support that aggressively.

Mr. COBURN. I appreciate that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4561

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 4561 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4561.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that reports required in the bill to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

Mr. COBURN. Mr. President, this requires public disclosure of all reports delivered to the Appropriations Committee, including the President's justification on his budget, with the exception of national security issues by the Department of Homeland Security, so that everybody can see what the request is, what the justification for the request is, and what the reports are.

Unfortunately, in this bill, there is a section that requires the opposite. There is a directive that says they are not to release it to the American public, that they are only to release it to the Appropriations Committee. A little bit of experience: This year, when the President's budget request came up, and the justifications for it, as a U.S. Senator it was unavailable to me. It was unavailable to my staff. It was unavailable to any staff except Appropriations staff. They do a good job. But as to the justifications for the request, just like the Senator from New Hampshire said—we have the right of the purse strings. The House and the Senate have the right to say where the money goes. If we cannot have the justifications for why the President's budget is so numbered and divided, then we will not have the ability to defend that—and that is those people outside of the Appropriations Committee.

In the committee report is this sentence:

The committee is deeply disappointed in the actions taken by the Department to combine the reporting requirements of this committee with other reports and then releasing the results of those reports publicly prior to submission to the committee. Reports to the committee are not expected to be turned into publicity events again in the future.

Well, whose business is this? It is the American people's business; it is not just the Appropriations Committee's business. And it is the other Senators' business. And it is the other Congressmen's business. It is not just one committee's business. They have the authority and the obligation to bring it to the floor, but the knowledge of what the President requests and the knowledge of the reports required by bills that we all vote on coming back to the Congress should be shared with the American people.



All this amendment says is that 48 hours after they report it to the committee—and they should get it first; I adamantly agree they should see those reports first, since they are the ones who asked for them—it becomes on line and available to the rest of the Senators, the rest of the Congressmen, and, beyond that, the rest of the American people.

Why should they not see the President's budgetary request?

As a matter of fact, Josh Bolton, before becoming Chief of Staff for the President, was head of the OMB, and he agreed last year that this year they would put that all on line at the time they give it to the Appropriations Committee. This is simply another sunshine amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to.

Mr. DURBIN. I would like to ask the Senator, in the spirit of full disclosure, when we considered the asbestos bill, which the Senator supported, there was one corporation that would have benefited to the tune of more than \$1 billion by that asbestos bill. In the interest of full disclosure of special interest groups and who is pushing legislation, would the Senator from Oklahoma also demand that kind of disclosure so we know if there is a change of a word or two, and one corporation, one lobbyist, or one special interest group is a big winner in a bill that is not an appropriations bill? Is the Senator from Oklahoma going to demand the same disclosure?

Mr. COBURN. Certainly, in answer to the Senator's question. On the trust fund, we never got to know who was going to give the money. It was same thing. So there are big problems everywhere. I believe in sunshine everywhere. You won't see me fighting sunshine. The people of this country deserve to know what is in the bills, what is in the reports, and what is in the requests and the justifications.

Mr. DURBIN. Will the Senator yield?

Mr. COBURN. I only have 45 minutes to get through three other amendments. I don't want to put this into a political game. What I want to do is talk about what the American people ought to be getting from us. This language ought to be changed so that we accept the Appropriations Committee getting the reports early, but then the Department of Homeland Security making it available to the rest of the American public, provided it doesn't have a security implication within it. It is a very straightforward amendment. I hope the committee will accept it and keep it in in conference.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have no problem with this proposal. The Department will have a problem with it simply because if the Senator has followed the activities of this Department, their ability to produce the re-

ports requested is limited or at least their efforts have not been stellar. In any event, it is a reasonable request. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4561) was agreed to.

#### AMENDMENT NO. 4585

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 4585 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4585.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds available to the Coast Guard for operating expenses for the continuation of operations of Long Range Aids to Navigation stations nationwide)

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide.

Mr. COBURN. Mr. President, I know there is going to be a radical difference of opinion on this amendment. Let me explain. This is about the LORAN stations nationwide. This is an old-time aid to navigation that this bill has requested another study of. This has been studied. There are volumes of reports from every agency of the Federal Government that has anything to do with this. All of them say we don't need this system anymore.

LORAN stands for long-range aids to navigation. The original LORAN-A system was developed during World War II. LORAN-C, where we are today, was developed during the 1950s and 1960s. There are 24 LORAN stations across the United States. One of them is actually in my State.

These stations send out radio signals and LORAN receivers on board vessels and aircraft measure the differences in the time that it takes for a signal to come back and determine both the longitudinal and latitudinal positions. It is used rarely for some civilian navigation, but it is no longer a primary source for civilian navigation needs because it has been replaced with a far superior system called global positioning or a satellite-based system. That has been totally functioning since 1994.

The plan was released February 10, 2006. It was prepared by the Department of Defense, the Department of

Transportation, and the Department of Homeland Security. The Coast Guard requested to terminate this program. There is no longer a need for the Coast Guard for either primary or secondary. If GPS fails, there are other systems that back it up besides LORAN. And it is not needed for the Department of Transportation. The Department of Defense said they don't need it. The Department of Homeland Security, the Coast Guard, and the FAA said they do not need it. In this bill, it calls for DHS and DOT to submit a report to the Senate Appropriations Committee that requires them to come up with excuses to continue the LORAN operation. Here is the report.

I would like to submit for the RECORD the report and also the statement of administration policy on this.

The administration objects to this provision because it is going to postpone the inevitable. This is a program that we don't need. Every agency of the Federal Government that uses this program or has been involved with it says they don't need it anymore. There are special interests that might want it, but the country doesn't need it. The Government doesn't need it. You don't need it for navigational purposes.

I am quoting now:

The Department of Transportation has conducted numerous studies that make clear that the benefits of terminating the LORAN system far outweigh the costs. Furthermore, as discussed in the Subcommittee Report, the Global Positioning System is a far superior navigational aid, with sufficient backup capabilities in place to meet the Coast Guard's needs for the Maritime Transportation System [and to meet the FAA's need for air travel, and the Department of Homeland Security, as well as the Department of Transportation].

I ask unanimous consent to print that in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, JULY 12, 2006

H.R. 5441—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, FY 2007

The Administration supports Senate passage of the FY 2007 Department of Homeland Security Appropriations Bill, as reported by the Senate Appropriations Committee.

The President's FY 2007 Budget holds total discretionary spending to \$872.8 billion and cuts non-security discretionary spending below last year's level. The Budget funds priorities and meets these limits by proposing to reform, reduce, or terminate 141 lower-priority programs. The Administration urges Congress to fund priority needs while holding spending to these limits, and objects to the use of gimmicks to meet those limits. The Administration looks forward to working with Congress to adopt the President's proposals to cut wasteful spending in order to maintain fiscal discipline to protect the American taxpayer and sustain a strong economy.

Although the bill is largely supportive of the President's request, the Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

#### *Border and Transportation Security*

The Administration appreciates the funding provided by the Committee for border

and immigration enforcement and strongly urges the Senate to fully fund 1,500 new Border Patrol agents and 6,700 additional detention beds and associated costs, as requested. On May 15th, the President outlined his five-part plan for comprehensive immigration reform. The Administration is committed to securing the resources necessary to gain control of the border through deployment of additional Border Patrol agents, as well as adding infrastructure and technology, such as access roads, fences, vehicle barriers, tactical communications, and aerial surveillance. These resources, coupled with additional legal authority from Congress, will end the practice of "catch and release" along the southern border by increasing detention and removal capabilities. The Administration is committed to working with Congress to implement an immigration enforcement strategy that will give our law enforcement authorities operational control of our Nation's borders as a part of the Administration's comprehensive immigration reform initiative.

The Administration is concerned that the Committee did not include the requested increase for aviation security passenger fees. The Senate is urged to include this provision to ensure that the direct beneficiaries of aviation security measures bear a greater share of the cost of implementing and maintaining a secure screening system.

The Administration strongly supports the provision to provide the Department with the flexibility to employ a risk-based strategy for focusing aviation screening resources on significant and emerging threats to aviation security. The Administration supports section 524 of the Committee's proposed bill that will provide additional direction to the Department and information to Congress on protection of Sensitive Security Information without compromising security.

#### *State and Local Programs*

While the Administration appreciates the Committee's commitment to State and local grant and training programs, the funding provided does not effectively target Department of Homeland Security (DHS) resources. Overall funding for programs administered by the Office of Grants and Training is \$504 million above the President's request, providing resources to lower priority programs that support individual infrastructure sectors or organizations and emphasize basic response equipment for local agencies. Resources should be shifted to fully fund programs that target high-risk targets and combine security efforts across the Nation's infrastructure sectors such as the Urban Areas Security Initiative and the proposed Targeted Infrastructure Protection Program. The Administration also urges the Senate to fully fund the Citizens Corps initiative, which helps to encourage greater citizen participation in local preparedness efforts.

#### *Federal Emergency Management Agency (FEMA)*

The Administration appreciates the Committee's support of FEMA's core operating expenses, flood map modernization, and the pre-disaster mitigation grant program. The funding provided for the pre-disaster mitigation grant program will protect people and buildings from flood damage, earthquakes, and wind damage from hurricanes and tornados. The Administration also strongly supports the transfer of the National Disaster Medical System to the Department of Health and Human Services, consistent with the recommendations of the White House Katrina 'Lessons Learned' report.

The Administration strongly urges the Senate to provide the full request level for FEMA's Disaster Relief Fund (DRF). The amount provided for the DRF is \$316 million

below the President's request. The requested funding is based on the five-year average of total disaster costs, excluding large one-time events such as Hurricanes Katrina and Rita. Full funding of the DRF is important to ensure that DHS is able to respond appropriately to the Nation's unforeseen events and natural disasters.

#### *Management*

The Administration strongly opposes any effort to reduce or eliminate funding for the DHS MAX HR initiative. This human resource management system is designed to meet the diverse personnel pay and benefit requirements of DHS.

The Administration is concerned that funding for the design and buildout of a new Coast Guard Headquarters at the St. Elizabeth's campus was not included in the bill and urges that it be restored. This facility has been identified by the General Services Administration as the only Federally-owned secure campus readily available in Washington, D.C. It is critical that the Coast Guard headquarters be constructed in a timely manner and these funds are needed to ensure the facility is constructed on schedule, address serious spatial needs of the agency, and support infrastructure development for eventual tenancy by other DHS components.

#### *Coast Guard*

The Administration strongly objects to the provision that would postpone decommissioning of the LORAN system and would require additional cost-benefit analysis. The Department of Transportation has conducted numerous studies that make clear that the benefits of terminating the LORAN system far outweigh the costs. Furthermore, as discussed in the Subcommittee Report, the Global Positioning System is a far superior navigational aid, with sufficient backup capabilities in place to meet the Coast Guard's needs for the Maritime Transportation System.

#### *Secret Service*

The Administration urges the Senate to include the establishment of a Special Event Fund to meet the unique security needs of the Secret Service to be prepared for special events. These funds have been requested in a separate account to ensure that resources are dedicated to meet special events overtime and travel needs.

#### *Citizenship and Immigration Services*

The Administration appreciates the funding provided for expansion and improvements to immigration verification systems to more effectively verify employment eligibility and benefit records. These resources support the Administration's comprehensive immigration reform initiative, and the Administration urges the Senate to fully fund efforts to automate U.S. Citizenship and Immigration Services' business processes and systems, which will improve its ability to collect, process, and provide immigration-related benefits.

#### *Science and Technology*

The Administration appreciates the funding provided by the Senate supporting the Department's research, development, test and evaluation (RDTE) requirements. However, the Administration strongly urges the Senate to restore the Management and Administration appropriation funding needed to ensure the necessary resources for the proper planning, prioritization, management, execution, and oversight of the RDTE programs.

The Administration is opposed to the transfer of the Transportation Security Laboratory (TSL) and explosives threat funding from Science and Technology (S&T) to the

Transportation Security Administration. S&T is best positioned to prioritize, develop, and execute the innovative research programs necessary to achieve significant results against explosive threats. S&T is also best suited to foster the research and development capabilities of the TSL and leverage these capabilities to support the entire Department.

#### *Preparedness*

The reduction in funding for the National Preparedness Integration Plan will limit the ability of the Preparedness Directorate to implement initiatives based on Katrina 'Lessons Learned' recommendations. At the funding level proposed by the Senate, the program will not be able to support needed improvements in telecommunications capabilities. DHS will work with Congress to better define the role of the proposed Federal Preparedness Coordinators, and avoid duplication of other DHS functions.

The Administration is also concerned about the aggregate reduction of \$24 million from the request for funding of Infrastructure Protection and Information Security activities. The \$20 million reduction in the National Security/Emergency Preparedness Telecommunications program will diminish the ability to provide priority wireless connectivity in disaster-affected areas and implement recommended improvements from the Administration and Congress to emergency communications infrastructure.

#### *Domestic Nuclear Detection Office*

The Administration appreciates the Committee's support for the Domestic Nuclear Detection Office (DNDO), but strongly recommends that the full funding requested be provided. This initiative is a priority of the Administration and failure to fully fund DNDO research and development programs will appreciably delay the availability of new technologies for detecting radiological and nuclear materials in cargo, at our borders, and elsewhere. Specific reductions in funding will delay the deployment of next-generation equipment for detecting nuclear devices; hinder efforts to leverage the research capabilities of our Nation's universities; and delay efforts to track the source of radioactive materials.

#### *Competitive Sourcing*

The Administration strongly opposes provisions that limit competitive sourcing. Section 516 imposes a legislative restriction on the use of competitive sourcing for work performed by the Immigration Information Officers at the U.S. Citizenship and Immigration Services, and section 537 overrides Executive Branch discretion to consider public-private competition by dictating that commercial classroom training performed at the Federal Law Enforcement Training Center is an inherently governmental activity. Precluding public-private competition for performance of these activities deprives the Department of the operational efficiencies to be gained by competition, and limits its ability to direct Federal resources to other priorities.

Management decisions about public-private competition, and accountability for results, should be vested with the Department. On a Government-wide basis, the improvements set in motion by competitions completed between FY 2003 and FY 2005 will generate an estimated savings that will grow to over \$5 billion over the next 10 years. The Senate is urged to strike these restrictions.

#### *Reports and Penalties*

While the Administration understands the need for prompt delivery of reports to Congress and makes every effort to do so, the Committee's requirement to deliver reports on complicated matters before receiving funding could inhibit the Department's efforts to carry out its mission.

*Constitutional Concerns*

Several provisions of the bill purport to require approval of the Committees prior to Executive Branch action. These provisions are found under the following headings: "United States Visitor and Immigrant Status Indicator Technology"; "Automation Modernization," "Technology Modernization," and "Air and Marine Interdiction, Operations, Maintenance, and Procurement," within Customs and Border Protection; "Automation Modernization" Immigration and Customs Enforcement; "Protection, Administration, and Training," United States Secret Service; "Management and Administration," Preparedness and Recovery Preparedness; "Management and Administration," Science and Technology; and section 509. Since these provisions would contradict the Supreme Court's ruling in *INS v. Chadha*, they should be changed to require only notification of Congress.

Section 521 of the bill, relating to privacy officer reports, should be stricken as inconsistent with the President's constitutional authority to supervise the unitary executive branch.

Mr. COBURN. I draw the attention of my colleagues to the formal report on the LORAN system as put forward by the three agencies.

We are going to hear debate that there is not sufficient backup. Let me answer that first. The 2005 Federal Radio Navigational Plan reported that the U.S. Coast Guard has determined that there are backups. LORAN is not needed for it. In case there is a GPS failure, conventional navigation is used, using all available equipment which includes GPS, DGPS, radar, lights, buoys, celestial navigation, daymarks, and dead reckoning. There are seven backups besides this.

Coast Guard Congressional Affairs has indicated that LORAN is one of many backups. It is not needed for aviation backup. They have very high-frequency omnidirectional beacons that give the same backup. Distance measuring equipment, the ILS systems, a backup to GPS, it is not going to be long when we won't even have ILS systems at airports. We will probably have somebody who wants to keep those in. The fact is, we need to recognize the technology. These dollars would be better spent somewhere else.

The Coast Guard is going to spend \$35 million in 2007 on operations and the maintenance of the LORAN system. The Federal Aviation Administration will spend between \$15 and \$25 million on recapitalization. The Coast Guard tried to start getting rid of this in 2000. The FAA at that time said they still needed it. They now no longer need it. It will take another 6 to 10 years and another \$300 million to complete the recapitalization that was mandated since 2000 for a program this isn't needed.

Here are the savings: \$500 million over the next 7 years if we go on and terminate a program that we don't need and nobody needs as a backup.

The Senate report on this bill and the proponents of LORAN will claim that GPS used along with LORAN provides the most accurate positioning. That is one of the claims. They aren't

even used in tandem anymore. If you are looking at GPS, you don't use the LORAN system. And GPS is far superior to anything that LORAN could give us. One of the claims will be that shutting down will adversely affect other Federal agencies that use LORAN. The navigational plan asked for by this Congress indicated that it is no longer a mission-essential device. It is not needed for either a primary or secondary source for positioning, navigation, or timing for the Department of Defense, the Department of Transportation, or the Department of Homeland Security. Who is that? That is the FAA, the Maritime Commission, the Coast Guard, all of them saying: We don't need this. Yet we are going to spend another \$500 million over the next 7 years if we don't get rid of it.

So it is simple. Somebody wants it, yes. Why? There are special interests that will want this to continue. But the fact is, a half a billion dollars is a lot of money that we don't have. We ought to eliminate this program. I know there are others who disagree with that. I look forward to the debate. I yield the floor at this time.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to oppose the amendment. Certainly, I understand the intent of the amendment, which is to terminate the LORAN program. This is a program that affects a lot of our small airplanes, maritime safety, their ability to communicate in the Pacific Northwest waters. I know Senator STEVENS from Alaska has a deep concern about this as well.

We know that at some point the LORAN system is going to be changed. The problem is that the Coast Guard alone, which I have tremendous respect for, made a decision to terminate the LORAN system without talking to the FAA, without talking to DOD, and without talking to many of the other users of the LORAN system. This bill makes sure that as we move toward a new structure within the waters in the area of the Pacific Northwest and up into Alaska and other places along the coast, we do it in a way that makes sure that all of the users of the system are not impacted in a way that makes them unsafe or their travels unsafe.

It is unwise for us to terminate this program without the consent and the understanding of these other organizations. We had a debate about this in the Appropriations Committee. The committee agreed with us that as we move forward on the termination of the LORAN program, we need to make sure that the Department of Defense, the FAA, small maritime users, and everybody who relies on this for safety in the waters along coastal regions is on board and we move forward in a way that doesn't cause any harm to any of the users of the system.

I respect the Senator in trying to eliminate funding and trying to make

sure that we are making the best use of public resources. But it has to be done in a way that doesn't impact the safety of our many maritime and airline users.

I will oppose the amendment. I know Senator STEVENS from Alaska has been very involved in the debate. I believe he is on his way to the floor as well. I urge our colleagues to listen carefully to the safety and the use of many people in our coastal waters as we move forward on the matter of closure of the LORAN system.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this language was added to the bill in committee. It did not arise out of the original mark. I opposed the addition of this language because I agree with the Senator from Oklahoma. I have a lot of confidence in the Coast Guard. In fact, within this agency, the Coast Guard is clearly one of the best run, most efficient and most professional groups in our entire Government. The Coast Guard has come to the conclusion they don't need the system, that it is ancillary to the basic needs of navigation.

It is a lot like maintaining a black-and-white television when everybody has gone to color—or high definition now. Hand-held GPSs are like little telephones. You can carry them anywhere. The accuracy and instantaneous locating of those devices is extraordinary, especially compared to LORAN.

There is no need to keep this black-and-white technology. We should phase it out. The Coast Guard has come up with a plan for doing that. We can save some money, and with that money we can put it into other things the Coast Guard does need. I support the amendment.

There are other Members who wish to speak. I don't think we should go to a vote until we have given people the time to come and put their 2 cents in. I support the amendment.

Mr. COBURN. Mr. President, I have a couple of comments to the Senator from Washington State. LORAN won't go away if this instruction for this study is taken out. There are still 4 years that LORAN will be there under the Coast Guard's plan. I also remind the Senator that the FAA has already said they don't need it. The Maritime Commission has said they don't need it. The Coast Guard has said they don't need it. Who needs it when we have other backups? It is true that in 2000 the FAA said we don't have sufficient backup to eliminate LORAN. They have since, in the report—the study that has already been made—said they don't need it. So this is a report to extend the life of LORAN, something that we don't need.

I know the Senator from Alaska will oppose this. I look forward to a vigorous debate with him.

I will soon ask unanimous consent again to submit the 2005 Federal radio navigational plan into the RECORD so everybody can see all the claims that

have been made by the groups that supposedly don't need it. The plan has already been done. It is not required as a navigational backup.

Now, will some people somewhere want to get a better navigational system? Yes. You can buy a GPS system for a boat now for about \$300 and you can have something far superior than LORAN ever was or you can use the VOR system or one of the myriad—seven other backups for maritime without using LORAN.

With that, I ask unanimous consent that this amendment be set aside, and I will call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4589

Mr. COBURN. Mr. President, I ask that amendment No. 4589 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4589.

Mr. COBURN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce appropriations available for certain training, exercises, technical assistance, and other programs)

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, the amount made available in title III of this Act under the heading "Office for Domestic Preparedness, State and Local Programs" is reduced by \$25,000,000 and the amount made available under such heading for "training, exercises, technical assistance, and other programs" is reduced by \$25,000,000

Mr. COBURN. Mr. President, this is a very simple amendment. The Improper Payment Information Act was enacted in 2002. It was very specific, and Congress was very wise to do it. What it said is that the agencies have to make an assessment of improper payments.

Now, what the American people don't know is that at least \$65 billion in improper payments—payments made by the Federal Government to people who don't deserve to get them—are made every year. Think about that: \$1.6 billion in food stamps; \$20-some billion at the Pentagon; \$42 billion in Medicare improper payments; \$30 billion in Medicaid improper payments. So the \$60 billion number I quote is a very conservative estimate.

What we saw with Katrina is that tons of improper payments were made.

But we had the Department of Homeland Security say they didn't have any improper payments. That is what they asserted to this Congress in 2005. The fact is that they didn't do the studies which were necessary to assess whether they were at risk. The \$65 billion that I quote represents only 18 of 70 entities of the Federal Government, and it is only 18 out of 70 that are reporting.

The Department of Homeland Security, in its fiscal year 2004 performance and accountability report, said none of its programs or activities were deemed to be at significant risk for making improper payments. The OMB put some special definitions on what that is. It is \$10 million or 2.5 percent. We know of at least a billion dollars that has been wasted in Katrina that we can document right now. The Department has since admitted they are finding and reporting improper payments for 2005 that were not in full compliance with the law.

We are seeing that everywhere in my Subcommittee on Federal Financial Management, where we look at these agencies. They actually ignore the law and don't make a concerted effort. Senator OBAMA and I asked in September that a chief financial officer be set up in terms of the response in September of last year to Katrina. We never got that through, but had we gotten that through, we would be a billion dollars ahead of where we are today, just in terms of the funds for Katrina.

The price tag is going to be over \$200 billion in Federal money by the time we finish. If you take the rate of improper payments within DHS just in terms of Katrina, we are probably going to have \$2 billion or \$3 billion in improper payments.

For the record, I believe it is important that the American public know why we ought to be having an assessment of how we spend our money. Sixteen percent of the dollars and assistance initially spent after Katrina and Rita was spent on divorce, sex changes—bogus things—and \$1.5 million went to credit card waste, a 1-week Caribbean vacation, five season tickets to the New Orleans Saints, and Dom Perignon in San Antonio. A thousand credit cards were given to people with Social Security numbers belonging to State and Federal prisoners, and \$14,000 was given to an inmate in a Louisiana jail. Subcontracting—we were to pay, on average, \$32 per cubic yard for debris removal, but the actual cost was \$68. We had the rest taken up in layers of subcontractors. I could go on and on, but I will not.

This amendment gives a million dollars to the Chief Financial Officer of the Department of Homeland Security and says: Do improper payments reporting. I ask that this be accepted by the committee because it makes common sense and we have a real problem in Homeland Security with waste, fraud, and abuse. To start fixing that, we must know what the problem is.

Mr. GREGG. Mr. President, I could not agree more. As far as the million

dollars, I am happy to reallocate it toward this activity. This is a huge amount, but I don't think it should be understated how much effort is being made to try to figure out how much in the way of funds has been either mishandled, fraudulently handled, wasted, and the first cut just on the individual side is \$1.8 billion. As a result of Katrina, the number is going to be much higher when they get into the public area of rebuilding roads, schools, and hospitals. However, the Department is trying, and certainly the inspector general of the Department is trying very hard. He has a very highly structured task force—a series of them—to try to manage these dollars. The results are not too complete. We are starting to get hard information, but dollars have been wasted, and it is inexcusable. If this technical accounting process is something that should be followed, I have no problem with proceeding in this way.

I don't want to imply that this is going to resolve the problem. The problem is much bigger than this. The issue is whether the inspector general can get his arms around everything that has happened down there. You are not only dealing necessarily with the Federal folks who are giving us the issues; there are a lot of local and State issues about how Federal money is being spent here that is very questionable. Unfortunately, people took advantage of the American taxpayers' compassion for folks who have been devastated in that part of the country. Some people saw that as an opportunity to take advantage of the American taxpayers. We are very creative people sometimes in that area, and unfortunately it happened.

There is a genuine effort to try to make sure the money is spent effectively, and there is an equally genuine effort by the inspector general to follow up on money that has not been spent correctly. So I welcome this effort as part of the fight to make sure tax dollars are spent effectively.

I ask that the amendment be agreed to.

Mr. COBURN. Mr. President, I made an error in the number of the amendment I called up. I ask unanimous consent that the amendment be set aside and the true number be 4590 instead of 4589 and that the debate be considered with regard to No. 4590 rather than 4589.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I wish to respond to the chairman for a minute. I know this isn't going to solve the problem. This takes away the excuse for not doing proper payment analysis at the Department of Homeland Security. I know they are working hard in that regard.

Mr. President, I note that the Senator from Alaska is here. I wonder if we might recall amendment No. 4585.

The PRESIDING OFFICER. Does the Senator wish to report 4590 first?

AMENDMENT NO. 4590

Mr. COBURN. Mr. President, I ask that amendment No. 4590 be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4590.

Mr. COBURN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make appropriations available for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note)

On page 127, between lines 2 and 3 insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, \$1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

Mr. STEVENS. Reserving the right to object, is that the pending amendment?

The PRESIDING OFFICER. That was the amendment that was just brought up. That was the amendment that was the subject of the previous discussion.

Mrs. MURRAY. Mr. President, can I clarify? It is very confusing. The Senator from Oklahoma called up the wrong amendment. Would the Chair explain exactly what is the pending amendment?

Mr. COBURN. The pending amendment is exactly as I described. It is an amendment that moves \$1 million to the chief financial officer of Homeland Security so they will do the improper payments report.

Mr. GREGG. I believe that amendment has been agreed to and disposed of.

The PRESIDING OFFICER. I think the problem is the Senator mentioned the wrong number. It is not 4589; it is 4590, and the Senate agreed to 4590.

Mr. COBURN. That is correct.

Mr. GREGG. Mr. President, I ask unanimous consent that it be agreed to.

Mrs. MURRAY. Has that amendment been agreed to or set aside?

The PRESIDING OFFICER. The Senator sent up amendment No. 4589. It was his intent to send up amendment No. 4590. He asked that amendment No. 4589 be set aside, and we now reported amendment No. 4590.

Mr. GREGG. Has it been reported yet?

The PRESIDING OFFICER. It has been reported as the pending amendment.

Mr. GREGG. I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, what is this amendment?

Mr. GREGG. This deals with the transfer of \$1 million to the finance officer.

Mrs. MURRAY. Mr. President, reserving the right to object, simply to clarify, so we are all on the same page, the chairman of the committee is asking that we agree to the amendment that was just debated, that was called up, that the Senator had the wrong number; is that correct?

The PRESIDING OFFICER. Right.

Mr. GREGG. And this is the amendment dealing with the transfer of \$1 million to the finance officer.

Mrs. MURRAY. The Senator is asking us to agree to that amendment that was debated.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. GREGG. Now the pending amendment is the amendment on LORAN.

The PRESIDING OFFICER. Is there objection to amendment No. 4590 being agreed to, the \$1 million amendment? Without objection, the amendment is agreed to.

The amendment (No. 4590) was agreed to.

AMENDMENT NO. 4585

Mr. GREGG. And the pending business is the LORAN amendment.

The PRESIDING OFFICER. Now the pending question is amendment No. 4589.

Mr. GREGG. That is not the LORAN amendment. We set that one aside.

The PRESIDING OFFICER. Apparently amendment No. 4589 and amendment No. 4585 are both pending.

Mr. GREGG. Mr. President, I ask unanimous consent that amendment No. 4585 be called up at this time, which is, as I understand, the LORAN amendment.

The PRESIDING OFFICER. Is there objection? The clerk will report.

Mrs. MURRAY. Mr. President, may I clarify then that amendment No. 4585 is pending? From what I understand from the Chair, both amendments are pending. I ask unanimous consent that amendment No. 4589 be laid aside and that the pending amendment be amendment No. 4585.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Just for the clarification of the Senate, we are now back on the LORAN amendment; is that correct, Mr. President?

The PRESIDING OFFICER. As far as I can tell.

The Senator from Alaska.

Mr. STEVENS. Mr. President, is there a time limit on the amendment?

The PRESIDING OFFICER. There is no time limit.

Mr. STEVENS. Mr. President, the amendment of the Senator from Oklahoma will delete an amendment I offered in committee. This is what it says:

The committee denies the request to terminate operations at LORAN stations nationwide and directs the Secretary to refrain from taking any steps to reduce operations at such stations. The committee further directs the Secretary, in consultation with the Secretary of Transportation, to submit a report to the Appropriations Committee and the Commerce Committee regarding the future of the LORAN system. The report shall include the cost benefits, the merits of maintaining the LORAN system as a backup navigational aid, and the benefits of using the LORAN system in conjunction with the global positions system. The report shall be submitted to the committee within 180 days of enactment of this act.

I did hear my good friend from Oklahoma indicate he would like to have some vigorous debate. I don't know how vigorous it is going to be. I do want to tell the Senate that this amendment means a great deal to my State, obviously, with half the coastline of the United States, with a number of areas that are affected by this LORAN system.

The LORAN system has not been modernized in my State, although it has been in all the rest of the country. In recent years, we have appropriated approximately \$160 million to the Federal Aviation Administration and the Coast Guard to modernize the LORAN structure through an existing inter-agency memorandum of agreement that existed between the two agencies. The recapitalization primarily came through the FAA budget, while the Coast Guard has provided resources to operate and maintain this system.

The proposal to terminate LORAN was not coordinated with the Department of Transportation or the FAA and certainly was not coordinated with my State. The decision to terminate this system should not unilaterally be controlled by the Coast Guard.

I am constrained to tell the Senate, this is just another example of the problems of representing the largest State in the Union with agencies that are not properly represented in our State.

The LORAN system was originally developed as a radio navigational service for coastal waters and was later expanded to include complete coverage of the Continental U.S., as well as all of Alaska. Originally, it really was designed for an area like the coastal waters off our State.

LORAN-C provides coverage for maritime navigation in the U.S. coastal areas, particularly in Alaska, and provides navigation, location, and timing services for civil and military air, land, and marine users.

We welcome the advent of the global positioning system. It is an invaluable navigational aid. The LORAN system uses a very strong wavelength and signal strength which enables it to penetrate areas where GPS has difficulty and will not work because of line-of-sight blockage.

The LORAN system is an independent system. It can serve as a backup for GPS. Until the people who have equipment to use LORAN are able

to switch to GPS and have it be shown that GPS will work in every area where it is necessary to navigate—I remind the Senate, 70 percent of the cities in my State can be reached only by air. We have the largest area and the largest involvement in fishing in the Nation. Over half of the fish consumed in the United States comes from Alaska.

This is an independent system and really it ought to be maintained as a backup to the GPS, in our opinion, at least until the complete modernization of the older vessels and the older airplanes that were designed to use LORAN.

The modernization of LORAN is almost complete. As I said, we spent \$160 million in the past few years to do that. It can be used as a backup to GPS to better produce an estimate of location than either system acting alone.

The LORAN system is a national asset. Again I say, it was not coordinated with the Department of Transportation, particularly the FAA, in terms of making this recommendation.

It just so happens that the first weekend of the last recess, just 10 days ago, I had occasion to travel with my son down one river and up another in Alaska in a vessel that had GPS. He is a qualified pilot for any vessel in the United States. At one point, at around 11 o'clock at night, we were traveling through a fog. We were talking about the navigational systems. The difficulty people have is they don't understand what it means to live in an area where it can be dark for several months and operating in a fog at night—all day long, as a matter of fact, in darkness in some instances.

The fisheries vessels and the systems off our State depend on LORAN for accurate positioning. It is true that GPS is a better system where it works better, but it has not had the findings and analysis that this committee amendment asks be prepared. That is, the Secretary of Commerce is asked to make a study, along with the Secretary of Transportation, and report to us the analysis of the cost-benefits of this LORAN system, the merits of maintaining it as a backup navigational aid, and give us that within 180 days.

In other words, for 180 days, we have a hiatus to determine whether we should follow the report made by the Coast Guard or whether we should listen to those involved in the fishing systems and in the aviation systems in a State such as mine.

Mrs. MURRAY. Mr. President, will the Senator from Alaska yield for a question?

Mr. STEVENS. Yes.

Mrs. MURRAY. Mr. President, the Senator from Alaska just made a point that I think is critical that we understand. During the debate prior to the Senator coming to the floor, the point was made by the Senator from Oklahoma that there are a number of other backup systems that are available to

users of the system in the coastal waters off Alaska and other States.

From what I just heard from the Senator from Alaska—and I want to clarify this—because of the mountainous regions, because of the inaccessibility and a lot of the difficult geographic locations that exist within his State, we are not positive that many of those backup systems work; is that correct?

Mr. STEVENS. Mr. President, it is my understanding that there are areas in our State where GPS does not provide the accuracy it does in other places because of the line-of-sight problem, whereas because of the very strong wavelength and signal strength LORAN puts out, particularly the modernized LORAN-C, it is an absolute necessity right now.

Mrs. MURRAY. Mr. President, I ask the Senator then, what he is saying to us is it could, indeed, put many people at risk because we do not know yet whether those systems are working in many of the geographic locations within his State?

Mr. STEVENS. The Senator is absolutely right. We just cannot terminate this system all at once. It is true it can be phased out in many places in the country without any harm to anybody. But the people who rely on the system right now as the sole source of their navigation should not be abandoned.

As a matter of fact, I have prepared a second-degree amendment which I will be glad to offer if the Senator from Oklahoma does not understand our situation. It is a second-degree amendment which would delete the amendment, as the Senator wishes, but substitute for it a complete indemnity by the United States of any harm that comes to any person who presently is relying on LORAN because they cannot have navigation capability.

We believe there is going to be substantial harm to a lot of people if this is not done right. The current system just says "terminate." If they did so by cost-benefit analysis on a nationwide basis, they did not do it on a cost-benefit analysis in the area where it is needed. "Where it is needed" is what makes a difference.

We do not say this program should exist forever. We believe in the final analysis that it probably will be terminated. But when it is terminated, it should be phased out on a geographical basis so it stays in effect in the areas where it is absolutely needed until it can be replaced by a system which would have to upgrade GPS, and that is not in the plan of the Department of Commerce at all.

I think this is wrong to take out our amendment. I believe the amendment is a reasonable one. All it says is we postpone the termination operations. We refrain from taking steps to reduce operations at these stations where they are needed. If that is not acceptable to the Senate, then I say, all right. If the Senate, in its wisdom, is going to take a total cost and benefit analysis on a nationwide basis and leave people who

depend on this system now completely without a navigation system they can rely on, then they should be indemnified for any harm that comes to them as a result of the premature termination of this system.

Mr. COBURN. Mr. President, I thank the Senator for his words. I want to clarify something which is just my understanding, and please correct me if I am wrong.

The GPS is never limited by line of sight. It is a satellite. It is the LORAN system that is limited by line of sight. The mountainous structures in Alaska limit the LORAN system. GPS is far superior to the LORAN system. That is accurate. Both as a pilot I know that and from what we have said.

The other point that I would make—Mr. STEVENS. Mr. President, if I could just answer that.

Mr. COBURN. I am happy to yield to the Senator.

Mr. STEVENS. The Senator is right, but at the same time, he is wrong. Satellites don't work everywhere in Alaska because of problems in updating their signal. The same is true for GPS. You must have a satellite signal that can reach for GPS.

Mr. COBURN. I would concede that.

Mr. STEVENS. Many places in our State did not have access to GPS because the satellite is not ubiquitous for the world. It does not come down in some places of our State.

Mr. COBURN. I would concede to the Senator that there are occasional times that the GPS cannot be utilized. I would concede that.

Mr. STEVENS. I want to make certain, Mr. President, that the Senator understands what I am saying. There are places where GPS cannot be accessed in Alaska.

Mr. COBURN. There are also places where LORAN cannot be accessed in Alaska today.

Mr. STEVENS. That is true, in some places. But where it has been operating, LORAN is relied upon in places where GPS cannot reach.

Mr. COBURN. I would concede to the Senator that LORAN can be used in places where GPS cannot be utilized. But I would also concede that the study that asked for this has already been done. Everything that this study asked for has already been put forward. The 2005 Federal Radionavigation Plan answers every question you have asked in this amendment.

What the Department of Transportation says, what the FAA says, what the Maritime Commission says, what the U.S. Coast Guard says is LORAN is not needed for a backup for a navigational system anywhere in this country. That is what they say, and that is what you are asking for. They have also done a cost-benefit analysis, and they have said, without question, the cost-benefit is on the side of eliminating LORAN.

Let's talk about what it will cost. The Government estimates it will cost \$300 million to upgrade the LORAN



system in Alaska over the next 6 to 7 years. And what they are certifying—and I understand the concern of the Senator from Alaska because some people might not have a system they are used to today. But when these agencies certified that LORAN is not needed as a secondary backup, that is what you are asking them for in the study, and they have already said it is not needed.

Mr. STEVENS. Will the Senator yield? That is not what I am asking for.

Mr. COBURN. I will finish my point, and then I will turn the time over to the Senator.

Mr. President, the Federal Radionavigation Plan is a 120-page report. Let me just go through it real quickly.

FAA has said: Sufficient alternative navigational aids exist in the event of a loss of GPS-based services. They have VOR, which they have in Alaska.

The Maritime Administration determined that there would not be significant disruption in the movement of vessels in and out of U.S. ports or affect commercial enterprises as traditional aids to navigation are still in use and capable.

The Department of Homeland Security has determined that LORAN-C is not needed as a backup for timing users, as adequate alternatives are already in place.

The Federal Railroad Administration said they have no need for LORAN.

The bottom line: The accuracy of LORAN in these areas can be equally degraded and compromised, and therefore, there would be no material degradation in navigational safety should GPS be the only RNAV source for Alaska. Traditional backups for maritime navigation would still be in place: VTSs, buoys, ranges, radar, light-houses, and fathometers. Since 1997, \$160 million has been appropriated to recapitalize LORAN. \$117.5 million of that has been transferred to the Coast Guard. It is estimated that it will take another 6 to 10 years and \$300-plus million to recapitalize that.

The point is, even without the amendment of the Senator from Alaska, his addition in committee, it is 4 years before this is decommissioned. So it gives 4 years for anybody who has any problem with it a chance to adjust to that problem.

I would offer to the Senator from Alaska that there might be a compromise that we could discuss in keeping LORAN working just for Alaska where there is a problem, rather than keeping LORAN working everywhere else there is not a problem. I would suggest there may be a compromise to address the issues of concern that the Senator from Alaska has, that would also save us a considerable amount of money and solve his problems with those who feel at risk without elimination of LORAN. I yield to the Senator.

Mr. STEVENS. Mr. President, the Senator is quite generous in his sugges-

tion, but I have to say that we heard on April 18 of this year from the Department of Transportation the following:

The Department of Transportation has not formulated a position regarding the future of LORAN. It is our hope, however, that it will be possible, consistent with the Federal Radionavigation Plan, for the administration to announce a final, fully considered decision before the end of the calendar year. That decision should be made collaboratively with due regard for the mandates in NSPD 39 relating the identification of a backup for GPS.

In terms of where we live on the Pacific, the problem is we appropriated the money for modernization of LORAN but, unfortunately, it was improved in areas where it wasn't needed anymore, and in the area where it is still needed, it was not.

We are in a situation now where our people still rely upon LORAN. We were told that the Department of Transportation did not participate in this study. We now know that the Department of Transportation says that from a cost-benefit analysis, the whole system is not justified. That may well be. That may well be. All we are asking for is this analysis now to be made of the system, and the merits of maintaining LORAN as a backup navigational aid and the benefits of using it in conjunction with the Global Positioning System.

We believe that in areas where it doesn't work continually, GPS ought to be backed up by LORAN and vice versa. But particularly in terms of the long coastline of the Pacific coast—and we are part of the Pacific coast—we were not included in the study. This benefit-to-cost ratio is a national conclusion and not a conclusion based upon the areas where LORAN is currently used. In many areas of the country, it has been totally abandoned, and it ought to be abandoned. We don't have any problem with that. But steps to reduce operation at stations where this LORAN is still in use and is relied upon today is wrong. If there is to be some decision along that line, we will be happy to try and work that out in conference with the Senator. But maybe we should say the Secretary should refrain from taking any steps to reduce LORAN at certain stations but nationwide.

I will be happy to change that, so he should not be prevented from taking steps to reduce operations at any station where it is not currently relied upon for navigation, either directly or as a backup to GPS.

Now, that means the Pacific coast. I am led to believe the same thing exists off California, off Oregon, and Washington to a lesser extent than it does off my State. You have to remember that half of the coastline is off our State, as I said, and in the areas where small boats, small planes currently rely upon LORAN as a backup, or in some instances as the total system, it should not be eliminated without a study of that area.

Mrs. MURRAY. Mr. President, let me just add that I support the rec-

ommendation that Senator STEVENS has just made, and if we are able to work that agreement out, I think that would be good.

I do want to amplify something quickly that I stated earlier in the debate, and it was repeated by my colleague from Alaska, and that is that DHS came to this decision without adequate consultation with other impacted Federal agencies. If there is any confusion over that question, I would like to put in the RECORD and ask unanimous consent to insert a letter from the Honorable Jeff Shane, Under Secretary of Transportation, to the Honorable Stewart Baker, the Assistant Secretary of Policy at DHS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,  
Washington, DC, April 12, 2006.

Hon. STEWART BAKER,  
Assistant Secretary for Policy, Department of  
Homeland Security, Washington, DC.

DEAR STEWART: The future of the Long Range Navigation (LORAN) system has been the subject of debate for many years. In 1994, the Clinton Administration announced plans to terminate the LORAN system based on its expectation that emerging Global Positioning System (GPS) technology would fully respond to the needs of LORAN users. In response to strong support from industry and the public as well as analyses showing key GPS vulnerabilities, however, Congress has continued to fund LORAN. That funding has gone to the United States Coast Guard for LORAN operations and to the Federal Aviation Administration (FAA) for LORAN modernization.

According to the 2005 Federal Radionavigation Plan, signed by the Secretaries of Homeland Security, Defense, and Transportation, "DOT, in coordination with DHS, will make a decision regarding the future of LORAN by the end of 2006." Related mandates are set forth in National Security Presidential Directive 39, establishing a U.S. space-based positioning, navigation, and timing policy. According to the unclassified fact sheet accompanying NSPD 39, the Secretary of Homeland Security shall, "[i]n coordination with the Secretaries of Defense, Transportation, and Commerce, develop and maintain capabilities, procedures, and techniques, and routinely exercise civil contingency responses to ensure continuity of operations in the event that access to the Global Positioning System is disrupted or denied. . . ." Elsewhere, the fact-sheet says that the Secretary of Transportation shall, "[i]n coordination with the Secretary of Homeland Security, develop, acquire, operate, and maintain backup position, navigation, and timing capabilities that can support critical transportation, homeland security, and other critical civil and commercial infrastructure applications within the United States, in the event of a disruption of the Global Positioning System. . . ." (Emphasis added.)

For some time now, the Coast Guard has indicated its desire to decommission the LORAN system. The FAA is similarly interested in being divested of LORAN responsibilities. Neither agency believes that LORAN is necessary today to support its respective mission. From the perspective of the two agencies, those assessments are undoubtedly correct. But the future of LORAN

should be determined by reference to the broader national interest. Might LORAN serve as the backup to GPS contemplated by the mandates of NSPD 39? Apart from its potential as a backup to GPS, does its robust, low-frequency, penetrating signal offer potential value in our effort to secure the international supply chain? Are there other possible backups to GPS that offer clear advantages over LORAN? If we decide that LORAN should be maintained, which agency should shoulder responsibility for maintaining it? If we decide that LORAN should not be maintained, what should we do to persuade Congress that continued funding of the system is no longer in the national interest?

DOT has not formulated a position regarding the future of LORAN. It is our hope, however, that it will be possible, consistent with the Federal Radionavigation Plan, for the Administration to announce a final, fully considered decision before the end of this calendar year. That decision should be made collaboratively with due regard for the mandates in NSPD 39 relating to the identification of a backup for GPS.

DOT looks forward to working together with DHS and with other interested agencies in the interest of bringing this issue to closure. I will be in further touch to discuss the best process for pursuing this important objective.

With best regards.

Sincerely,

JEFFREY N. SHANE,  
*Under Secretary for Policy.*

Mrs. MURRAY. Mr. President, what this letter simply does is make it clear that DOT is willing and ready to discuss this matter, but it also makes clear that there are other issues, especially in aviation, as the Senator from Alaska has said, that really have to be worked through as we move toward this, and I ask that we have those considerations.

Again, I hope the language that Senator STEVENS has proposed is something that can be worked out because I think that would be amenable to all of us.

Mr. COBURN. Mr. President, I would just make a couple of points.

Norm Mineta of the Department of Transportation signed this report on October 21, 2005—the Secretary of the Department of Transportation—the Federal Radionavigation Plan. So for the Department of Transportation to claim now that they didn't agree with this report, when their Secretary and his staff signed off on the report, there is something amiss. There is some miscommunication.

What I would like to do is note the absence of a quorum in the hopes that I could work with the Senators from Alaska and Washington to come to a compromise on this amendment.

Mr. STEVENS. Mr. President, if the Senator will withhold, I would like to make one point with a letter I am quoting from, dated April 18, 2006. It was addressed to Assistant Secretary of Policy at Homeland Security, and it says:

The future of LORAN should be determined by reference to the broader national interest. Might LORAN serve as the backup to GPS contemplated by the mandates of NSPD 39? Apart from its potential as a backup to GPS, does its robust, low-frequency, penetrating

signal offer potential value in our effort to secure the international supply chain? Are there other possible backups to GPS that offer clear advantages over LORAN?

None of that has been answered.

Now, certainly, this is after the Secretary signed off on that plan, but the idea of abandoning LORAN prematurely was not signed off on by the Department, to my knowledge.

Mr. COBURN. Mr. President, I would note that in the report, the considerations for backups are very well and very explicitly listed, including Alaska's backup system. So I agree that there is some confusion and there certainly is some difference in what was signed off on the report and what we are hearing now.

I would ask to note the absence of a quorum.

Mr. GREGG. Mr. President, if the Senator will withhold, I would suggest that we move on to another amendment. Senator BIDEN is here, he could proceed with his amendment, and during that time Senators could perhaps work something out.

Mr. COBURN. I have no objection.

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 4553

Mr. BIDEN. Mr. President, I call up amendment No. 4553.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 4553.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase amounts for the rail and transit security grant programs, and for other purposes)

On page 91, line 6, strike "\$2,393,500,000" and insert "\$3,493,500,000".

On page 91, line 22, strike "\$1,172,000,000" and insert "\$2,272,000,000".

On page 92, line 13, strike "\$150,000,000" and insert "\$1,250,000,000".

On page 92, line 16, before the semicolon, insert the following: ", of which—

(i) \$670,000,000 shall be for tunnel upgrades along the Northeast corridor;

(ii) \$250,000,000 shall be for passenger and freight rail security grants;

(iii) \$100,000,000 shall be for research and development of bomb detection technology; and

(iv) \$65,000,000 shall be for intercity passenger rail security upgrades, of which \$25,000,000 shall be used—

(I) to provide a 25 percent salary increase for existing Amtrak Police personnel; and

(II) to expand the Amtrak police force by 200 officers

Mr. BIDEN. Mr. President, I realize that particularly the Presiding Officer and my friends from New Hampshire and Washington State are probably tired of hearing me stand up year after year since 9/11 and talk about rail secu-

rity or the lack thereof in the United States of America. This amendment is about rail security.

The funding made available in this amendment is, unfortunately, something that I have, with others, fought for without success since 9/11. In fact, immediately after 9/11, I introduced legislation that is very similar to the amendment I am offering today that would provide critical resources to enhance rail security and rail infrastructure. Almost 5 years later, after introducing the legislation in the 108th Congress and the 109th Congress, we have done virtually nothing.

In March of 2004, our allies in Spain suffered an attack on their rail system that killed 191 people. We did nothing. We did nothing at home. Just over 1 year ago, terrorists in London killed 52 people and injured over 700, mostly on rail. We did virtually nothing. The attack in London occurred just 1 week before we had a debate on the 2006 Homeland Security budget. Unbelievably, we approved only \$150 million for rail and transit, with only \$7 million going to Amtrak, which carries, by the way, 64,000 passengers per day—hardly, I would say, a serious effort.

Just yesterday, in Mumbai, India, there was another attack on rail. So far there are 190 confirmed dead, 714 people injured. To state the obvious, I am sure every one of my colleagues feels as I do, but our thoughts and prayers are with those who were harmed in yesterday's attack. As they described in today's New York Times and I am sure every other paper in the Nation, there was baggage and body parts strewn for hundreds and hundreds of yards around the site of the explosion. Coincidentally, here at home we are debating again the appropriations bill for Homeland Security.

I wonder how long we can dodge the bullet. I wonder how long it will be that we can avoid accountability for what we are not doing to protect our rail and transit system. I don't know what it is going to take for us to wake up and take this threat seriously. Certainly everyone understands here at home that the threat is real and it is at home. The FBI has warned us of the threat to our rails. In fact, the Central Intelligence Agency has found photos of rail stations and rail crossings in safe houses in Afghanistan. I am sure they weren't doing that for a geography project for their kids. It was about looking at targets in America.

Remember when we saw that they had taken photos of American buildings, what we did? We immediately mobilized our security forces around those buildings here in the United States, because we knew if they had photos of those buildings tacked up on the walls they must be thinking of them as targets. What do we need? Do we need someone from al-Qaida to write us a note and say: "By the way, folks, we are planning on attacking your rail system"? "We are not going to tell you when, but we are going to attack your

rail system." What do we need? What do we need to be able to jog the—not "conscience," that may be the wrong word—jog this body into a sense of reality?

We have still done virtually nothing. Since 9/11 the administration invested over \$25 billion in aviation security, primarily to screen passengers. I voted for that, I agree with that—\$25 billion. During the same period, less than \$600 million has been allocated for rail and transit systems that carry a whole heck of a lot more passengers. This year's budget includes an additional \$6 billion for aviation security, which I support. Only \$150 million has been allocated for rail and transit security. Out of the \$150 million allocated for rail and transit funding this year, \$7 million went to Amtrak. I don't think that is a serious effort—again, 64,000 people a day.

I understand you can't protect every single inch of our vast rail structure but we can do some pretty common-sense things, some block-and-tackle things that we know will make us a lot safer. I can't stop anyone, nor are we likely to be able to stop anyone, from putting an IED that is fashioned in America on a track somewhere between here and Wilmington, DE, when I take the train every day. I am not asking for that. But I will tell you what we can do. What we can do is go to those areas we know are prime targets, where hundreds if not thousands of people could die if al-Qaida or any of their copycat organizations decided to move on rail and were successful.

Take a walk over to Union Station. Union Station is just down the street in that direction. I walk to it or drive to it every single night the Senate is in session. I come from it every day. It is the single most visited place in Washington. Do you hear me? The single most visited place in Washington, DC. More people are in and out of that station than are at any museum, than visit the Congress, the White House, the FBI. It is the single most visited place in Washington, DC.

Take a look. As I say to security people, get with me on an Amfleet train. Not an Acela, because they don't have the old kind of caboose on it. Stand in the last car and look out the window as you pull out of the train station. Tell me how many cameras you observe. Tell me how many cops you see. Tell me how many bits of protection—whether it is fencing or alarm systems—that are on the switching devices that are in that yard. Tell me how many folks you see wandering the yard where you see trains stacked up, where people can cross around just a plain old chain-link fence and put some C2 up underneath an existing train.

Or travel from Washington south. You go underneath the Supreme Court. You go underneath one of the House office buildings. Tell me what you see. Are there any guards patrolling that area? I am not going to say, because people will say to me, You are just giv-

ing terrorists information. I promise you, they already know it. You would be stunned how few law enforcement officers are on duty at any one time in that entire infrastructure.

My amendment simply makes the investment that the experts who have testified have repeatedly told us is needed. It would provide an additional \$1.1 billion for rail security upgrades. Out of this amount we would provide \$670 million to upgrade the tunnels along the Northeast corridor to add ventilation, lighting, escape routes, in some cases cameras, and the ability to be able to patrol those tunnels.

I will not take the time because my colleagues have heard me do it 1,000 times. The tunnel that goes from here heading to Boston—in fact, it goes through the State of Maryland, through Baltimore—it was built, I think, in 1869. Next time you ride through it, look and see if you see any ventilation. Tell me what you see in terms of lighting. Tell me what you see about any prospect of someone being able to escape from that tunnel. Tell me if you see any security going in and out of that tunnel.

It seems like a long time ago, I have been doing it so long, there was a fire in a tunnel. It was just a plain old fire, not a rail tunnel, another tunnel going into Baltimore. The fire shut down all the harbor, and it shut down all of south Baltimore.

If you go up into New York, you have six tunnels sitting under New York City without any appreciable work being done on any of them since, roughly, 1918. Ask any expert about ventilation. Why am I talking about ventilation? Drop sarin gas in that tunnel, drop another chemical in that tunnel, and tell me what happens without any ventilation to suck it out. Tell me what you see in those tunnels. Ask those experts what chance there is of escape. I will go back to that in a minute.

There is \$250 million to be allocated to general security upgrades for freight rail operations, including transport of hazardous material. I had an amendment here on another bill not long ago because I asked the Naval Research Institute, NRI, to answer a question for me. Again, I apologize to my colleagues from Washington and New Hampshire for continuing to repeat this, but I asked the question: What would happen if a chlorine gas tanker exploded in a metropolitan area?

Remember, I guess it was a year or year and a half ago, one exploded up in the Dakotas—not near any big city. They had to evacuate several towns in the region. I said, What would happen?

The standard chlorine gas tanker on rails is about 90 tons. What happens if one of those were exploded? They said it would kill or injure up to 100,000 people.

I had an amendment. Why don't we allow the cities to be able to divert these hazardous cars around the cities. It got voted down—I actually did get a

vote on it—because it would somehow increase the cost of doing business. It would increase the cost of doing business.

Maybe I am missing something here. The only thing I can believe is that most of my colleagues also think that this is not likely to happen, that these guys aren't going to go after transit, they are not going to go after freight rail, they are not going to go after passenger rail. They really don't mean it so we don't really have to worry.

It reminds me of that Calypso song that was popular about a decade go, "Don't worry, be happy."

Yet if we look around the world, bombings and attacks on rail systems are becoming increasingly sophisticated. They are carried out by terrorist groups. Before 9/11 when we saw these terrorist activities happening in Europe and other parts of the world, we just seemed impervious to it. "It can't happen here. It won't happen here."

I made a speech on September 10. I ask unanimous consent that a copy of it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. FOREIGN POLICY IN THE 21ST CENTURY:  
DEFINING OUR INTERESTS IN A CHANGING  
WORLD

My mother wanted me to be a priest or a politician, and for the longest time I didn't think you could do both. But you can. Any rate, obviously not a lot of Irish-Catholics in this room.

Well, what I want to know before we begin is—Chestnut Hill Academy is here, I'm told, from Philadelphia. And what I want to know is, when I went to a Catholic boys' school in Claymont, Delaware, called Archmere, Chestnut Hill Academy used to occasionally beat us—more occasionally than was necessary. And I want to know, are you guys here in support or opposition? What's the deal?

Welcome, fellas. I don't know why you're here, but it's nice to see you all here. Thank you for being here.

It is true, I am now the chairman of the Foreign Relations Committee—through no fault of my own. My dad has an expression: It's better to be lucky than good. I am chairman because one man in Vermont decided he was going to leave one political party and giving my party the ability to organize the Senate. For that, I am grateful, but I want you to know I understand that this could change any day.

By the way, the president and I agree on a lot of things, and we sincerely do. I thought the president's first trip to Europe quelled a lot of concerns and nerves on the part of our European friends, who are always upset and always nervous with any transition in power in the United States. I think the president did an extremely good job in the incident relating to our, quote, "spy plane" being down. I think the president has done some very, very good things.

I do have a profound disagreement with the president's view of national missile defense and whether or not, at the end of the day, it would make us more or less secure.

At the end of the Cold War, when the wall came down, we found ourselves on the brink of extraordinary changes. All of us were wondering what it would mean and where this would lead. Was it the beginning of something or the end of something? And if it was

the beginning, were we, the United States, the only remaining superpower, going to get it right?

On that night, we were all idealists, but a new day dawned and a harsh reality came into focus. It became clear that long-standing ethnic, religious, tribal and nationalistic divisions had not changed, while America's place in the world had changed profoundly.

From that day on, we inherited a profound obligation of leadership, and an even more profound obligation to get it right in the Middle East, in the Balkans, in Europe and Asia, in our hemisphere, in our commitments, our treaties and in our defense policy—missile or otherwise.

Now, the spotlight remains on us and is brighter than ever. We're at a pivotal moment when American values and principles have taken center stage like no other time in our history in the global theater. How we perform on that stage is as much about our honor, our decency, our pride, as it is about our strategic policy.

So before we go raising the starting gun that will begin a new arm's race in the world, before we dip into the Social Security trust fund to satisfy the administration's almost theological allegiance to missile defense at the expense of more earth-bound military and international treaties, before we watch China build up its nuclear arsenal and see an arm's race in Asia and in the subcontinent, before we squander the best opportunity we've had in a generation to modernize our conventional nuclear forces, let's look at the real threats we face home and abroad. Let's re-engage and rethink and meet our obligations with a strength and resolve that befits our place in this new world.

American foreign policy should not be based primarily on the principle of national self-interest that defines strength as rigid adherence to inflexible theory, or positive results as emotionally satisfying unilateral action.

I don't believe our national interests can be furthered, let alone achieved, in splendid indifference to the rest of the world's views of our policies. Our interests are furthered when we meet our international obligations and when we keep our treaties. They're furthered when we maintain an unequal military, able to deter any threat at any place at any time and anywhere, when we keep our economy strong, when we make wise choices that solves real problems, when we stand bound together as democracies—multi-racial, multi-ethnic, multi-religious beacons of hope—not some dark house next door.

President Reagan's image of a "shining city on a hill" held out America as an ideal to millions and millions of people around the world, a nation that reaches out to its allies and adversaries alike, with undiluted, unequivocal message that democracy works, freedom is worth the fight, and that America will always be a reliable friend of those who take the risk of achieving the goals of democracy.

We can't forget or simply disregard the responsibilities that flow from our ideals. We can't lose sight of the fact that leadership requires engagement, and partnership demands inclusivity. Let there be no mistake, America must remain at the table because walking away comes at a price. Our European allies should never think that America ignores international opinion or that we're ready to go it alone when we feel like it. They should never think that our commitment to a vital multi-national institutions, or projects, which are built upon common values and common concerns—and that includes NATO—has diminished.

We became a European power in the 20th century, and out of our self-interest, we

must remain a European power in the 21st century. We've got to get it right in Europe. We have to stay engaged in the Balkans—as this administration appears to be doing—and bring them, the Balkans, into the European community. It's in our naked self-interest.

But let's understand that our foreign policy is as much about American values as it is about complex multinational treaties or arcane intricacies of strategic policy.

When I think of the moral imperative of American leadership, I think of an America founded upon the unshakable, bedrock democratic principles, but willing to accept the principal ideals and cultural dynamics and genuine concerns of our allies; a nation that has a powerful sense of place in the geopolitical scheme of things—one that is tough-minded when it comes to our own security, yet has broad enough vision and a strong enough will to contribute to peaceful solutions where age-old strains of nationalism and religious-based divisions wreak havoc; a government that doesn't abandon arms control treaties with the excuse that they are relics of the Cold War.

I might note parenthetically, I think many of those uttering that phrase are in fact themselves the relics of the Cold War. They have not come to understand the wall is down and the last time they were in power it was up. Half this city doesn't realize that.

And not abandon these agreements as relics of the Cold War because it's (inaudible) to honor them because we've negotiated them in good faith, we signed and ratified them, and because they have stood the test of time in serving our national interest and other nation's expect us to keep our promises; a unique and strong nation that isn't confused about its role and responsibilities and doesn't walk away from the table, but sits down, rolls up its sleeves and convinces the world of our position; a nation that thinks big and sees freedom in global economic growth as consensus ideals.

I think of America vastly different—so unburdened of the old Cold War fears and feelings that it's willing to do a little soul-searching. Are we a nation of our word or not? Do we keep our treaties or don't we? Are we willing to lead the hard way, because leadership isn't easy and requires us convincing others? Diplomacy isn't easy. Multilateral policy initiatives aren't easy.

Or are we willing to end four decades of arms control agreements to go it alone—a kind of bully nation sometimes a little wrong-headed, but ready to make unilateral decisions in what we perceive to be our self-interest, and to hell with our treaties, our commitments and the world?

Are we really prepared to raise the starting gun in the new arms race in a potentially more dangerous world? Because, make no mistakes about it, folks, if we deploy a missile defense system that's being contemplated, we could do just that.

Step back from the ABM Treaty, go full steam ahead and deploy a missile defense system, and we'll be raising the starting gun. If the president continues to go headlong, headstrong on this theological mission to develop his missile defense system, if he does what he says and drops objections to China's missile buildup, not only will we have raised the starting gun, we'll have pulled back the hammer.

Let's stop this nonsense before we end up pulling the trigger.

China now has about 20 intercontinental ballistic missiles, but according to press reports, the National Intelligence Council thinks that China might deploy up to 200 warheads, develop sophisticated decoys and perhaps move to multiple warheads in response to a missile defense system.

It seems to me it's absolute lunacy for us to invite China to expand its arsenal and re-

sume nuclear testing, not to mention that moving forward with missile defense could jeopardize Chinese cooperation on the Korean Peninsula.

Let me remind you all that there are two types of modernization they talk about. And there's no doubt the Chinese are going to modernize. But up to recently, what most people thought the modernization meant and our community thought it meant was moving, for example, from liquid fuel rockets to solid fuel rockets. Moving from systems that were not mobile at all to more mobile systems.

Not increasing, as the press has reported, 10-fold more than they would have if we build a national missile defense. Not MIRVing their missiles, meaning put more than one atom bomb or hydrogen bomb on top of an ICBM. The most destabilizing weapon that exists.

I found it interesting, on MacNeil-Lehrer, Secretary Rumsfeld saying that it wasn't the question of MIRVing that was important, it was a question of the total number of missiles.

Well, George—President Bush, the first President Bush—understood that it was more than that. We fought for years and years to do away with the big SS-18 Soviet missiles. Why? Because they're what we saw. I say to the gentleman from Chestnut Hill Academy, they're what we call a use-or-lose weapon.

Because they have such an incredible concentration of power, you assume that they will be struck first. Therefore, if there is a warning that you're under attack, which sometimes they're mistaken, they're on a hair trigger and you must launch them or lose them.

That's why we're so fearful that the Russians will keep their MIRVed systems, because they have such a porous defense system. They have such a porous early warning system. And as a nun I used to have would say, in a slightly different context, "the only nuclear war that's worse than one that is intended is one that wasn't intended."

In Seoul, I spoke with President Kim Dae-jung of South Korea about ways to bring North Korea, which is the new bogeyman that we're all looking at now, which is the justification for this pell-mell race to produce the international missile defense, how to bring them into the family of nations.

He urged me to encourage the administration to engage North Korea in senior-level dialogue and not allow a theological commitment to missile defense to blind us to the prospects of signing a verifiable agreement to end North Korea's development, deployment and export of long-range missiles.

Yesterday, Dr. Rice, on Meet the Press—she and I were on Meet the Press—she talked about how ubiquitous these long-range missile systems were. I don't know what she's talking about. We're getting briefed by two different groups of CIA people, I guess, because none of these rogue nations have that capacity yet. They may get it. It is maybe within their reach, but it does not exist now.

If we spur on an aggressive Chinese buildup, including the need to test—and you know why they will have to test. When you put more than one—I know most of you know this, but it's worth repeating—you put more than one atom or hydrogen weapon on top of a rocket, it requires more throw weight in that rocket. It has to be more powerful.

So practically what you have to do is you have to make smaller, more compact missile warheads. And in order to be able to be sure they work, you've got to test them. So if, in fact, the Chinese are going to move to a modernized system that requires—that's going to contemplate MIRVed ICBMs, they're going to have to test.

That's why I got so upset by the statement read by the press account that we appeared to be willing to trade off, in return for them not objecting to our building the national missile defense system, the possibility that we would look the other way when China tested and that we understood they were going to have a considerable buildup.

That's what I call a self-fulfilling prophecy.

And let me ask you the question: Consider what India is likely to do if China tests. Those of you who know the subcontinent know that there's been an incredible political tug to have another test of their, quote, "hydrogen weapon," because they believe the world does not believe that they successfully tested one, and they want the world to believe they have one.

And what do you think happens when India tests, if China tests?

What do you think happens in Pakistan? Pakistan, I believe, would ratchet up its production. And consider that Taiwan, the two Koreas or Japan or all of them could build their own nuclear weapons. Japan has the capacity within one year to become a nuclear power.

That greatest generation that Tom Brokaw speaks of, my mother and father's generation, did two incredibly good things, and I mean this as not an insult, to particularly my German friend. Germany is a non-nuclear power and Japan is a non-nuclear power. That's good for the world. I want to be no party to setting in motion a series of events that will cause the Japanese Diet to reconsider whether they should rely upon the nuclear umbrella of the United States.

And as the former chancellor of Germany, Helmut Schmidt, once said to me, sitting in his office 15 years ago, he said, "You don't understand, Joe, my son's generation does not feel the same sense of obligation or guilt that mine does."

Are we so dead set positive that a missile defense system furthers our national interest that we're willing to risk an arms race? So sure of the science that we're willing to weaponize space and nuclearize Asia?

Are we so sure of the feasibility that we'll divert potentially hundreds of billions of dollars from the real needs of our military?

Look, the fact is we could weaponize space or we could buy 339 F-22s to replace our aging F-15 fleet for \$62 billion. We could replace aging F-16s, A-10s, A-14s with a Joint Strike Fighter for the cost of \$223 billion. We could replace the Cobra and Kiowa warrior helicopters for \$39 billion. I could go on and on.

But in short, we could provide our Army, our Navy, Air Force and Marines virtually everything they need in the immediate future for a more stealth, more significant lift capacity military to deal with the real threats we face and still spend less on all of that than we will spend on the national missile defense system.

We're facing a difficult budget fight with a consequence of the turnaround in the economy, the business cycle, the \$1.3 trillion tax cut, or all of the above, and we can't have our cake and eat it too. The administration would like us to think it's all possible, but it's not all possible.

According to the Congressional Budget Office, we may have already dipped into the Social Security trust fund, which we used to do regularly in years past, but which we all promised we wouldn't do anymore, we would have a lock box. And that \$21 billion or more will be consumed from that lock box in the next three years. This is a very different economic picture than projections of just a few months ago.

Missile defense has to be weighed carefully against all other spending and all other mili-

tary priorities, which we're not debating or doing right now. And in truth, our real security needs are much more earthbound and far less costly than national missile defense.

If you combine the \$1.3 trillion tax cut with what we've spent on a full-blown missile defense shield, we could start to modernize our conventional forces, build a stealthier, more mobile, more self-sufficient military that I believe is needed in the 21st century, and make significant impact on rectifying what is going to be a gigantic problem in 10 years in Social Security.

Let's be clear: When it comes to defense, it's not the president's missile defense or nothing, as the way it's being posed. We should improve military personnel retention and overall readiness; bring on the next generation of fighter aircraft, the next generation of helicopters, the next generation of destroyers; and be fully prepared for the next generation of engagement.

And while we're at it, we may fix the plumbing in the barracks at Taipei, which I just visited, which the night before I came, because they are so aged and we don't have the money to fix them, they had to bring in water hoses from outside to allow the women and men in there to be able to shave, to be able to use the bathrooms, let alone drink any water. Visit the conditions in which our active military are living now—two and three in a room. You think when you drop your kid off at a college dormitory and you're paying 30 grand to send him to a prestigious school is hard to take, take a look at the conditions they live in. And why are we not responding to it? We don't have the money, we are told.

My dad used to say, and still says, "Son, if everything is equally important to you, nothing is important to you." Our priorities, I think, are a little out of whack. I've said, and I'll say it again, we should be fully funding the military and defending ourselves at home and abroad against the more likely threats of short-range cruise missiles or biological terrorism.

Last week, the Foreign Relations Committee began hearings on how to build a so-called "homeland" defense and to protect our military from bioterrorism pathogens and chemical attacks; on how we can deploy a missile defense system that doesn't trade off conventional modernization of our military for a fantasy of some system that remains more flawed than feasible; on how we can jump-start the destruction of Russia's massive chemical weapons stockpile and secure all our nuclear materials.

The very day they send up a budget that tells they are going to increase by 8-point-some billion our missile defense initiative, they cut the program that exists between us and Russia to help them destroy their chemical weapons, keep their scientists from being for sale and destroy their nuclear weapons.

I've said, and I'll say it again, we should work with Russia and China and all of our allies to stem proliferation of weapons of mass destruction; we should try to rely on some mutual deterrence, rather than thinking we can replace it, because, in fact, deterrence works.

We should support research and development in boost phase interceptors that would avoid the countermeasures and would be more acceptable to Russia and China, limiting the possibility of ending Russia's adherence to START II and lessening the prospects of a new arms race in Asia than what we are now proposing.

We should strive through hard-nosed diplomacy to delay and eliminate the long-range ballistic threat by ending North Korea's program and its sale of long-range missile technology. We should build a combined offensive

and defensive system that we know works before we deploy it. And we should amend the ABM Treaty and not walk away from it.

Having said that, let's put the cost and the effectiveness of this missile defense system being discussed today in some context so that everyone understands exactly what we're talking about. The cheapest realistic system suggested, national missile defense system, limited national missile defense system suggested by this administration, which relies on the same midcourse interceptors the Clinton administration proposed, would cost at a minimum \$60 billion over 20 years and most suggest it would be closer to \$100 billion.

And remember, this is only for a system that's incapable of shooting down a missile carrying biological weapons, incapable of shooting down a missile carrying chemical weapons, at least for now incapable of shooting down a missile with an unsophisticated tumbling warhead that will look just like a tumbling trajectory.

In order to combat what are known as countermeasures, such as those decoys or the submunitions that carry biological weapons, the administration proposes a layered defense. That means, a missile defense that begins with a boost phase interceptor, that is, catching the rocket as it takes off from behind, at its slowest point and nearest point; continues with a midcourse interceptor, that is, getting it out there in the atmosphere and a bullet hitting a bullet; and finishes with a terminal defense as it's coming down.

Now, you think the midcourse system we're working on is expensive. Help me calculate the cost of a layered missile defense, where we haven't even begun some of the research.

One recent estimate for that system is a quarter trillion dollars, and I think that, too, is a conservative figure, because the truth is that the administration has yet to comprehend the full complexities and the technological challenges of a layered defense. If you doubt me, ask folks like General Welch and others who used to run the show.

In my view, that full-blown layered missile defense system, which doesn't address a single real issue on the ground, is more likely to cost a half a trillion dollars. And what will it get us? For half a trillion dollars we may get a layered defense system that's not been defined yet. If it includes space-based lasers, you've now weaponized outer space, which invites other countermeasures to attack the satellites on which we depend for information and communications.

But it still won't be 100 percent effective. Secretary Rumsfeld, speaking about our national missile defense system on the Lehrer NewsHour earlier this year, said that a system would not have to be 90 or even 80 percent effective, but only 70 percent effective. Secretary Rumsfeld, in referring to a, quote, "0.7 success rate," said, and I quote, "That's plenty."

Folks, 30 percent failure for any national defense system could be called plenty of things, but plenty successful is not one of them. Think about it.

(Applause)

Let's say President Richard Ryan becomes president of the United States. And the head of a rogue state tells him, which is how the scenario goes, "I'm invading my neighborhood today. And if you try to stop me, I'll fire my ICBMs at you." Never mind that he won't do that because he knows he'd be annihilated within a matter of 30 minutes. But President Ryan turns to his national security adviser, as I always do, Carl Wiser, and says, "Carl, what do I do?"

And Carl says, "Don't worry, we have a missile defense system. And unlike Rumsfeld's 0.7, ours is 0.9 effective."

President Ryan says, "Oh. There's a 10 percent chance then of losing Detroit?"

And Carl says, "Well that depends. If they fire seven missiles, the odds of losing at least one city will be 50-50. Because guess what: 0.9 means that not 90 percent fired will get through, 0.9 means that for every missile fired, that single missile has a nine out of 10 chance of getting through. You get to seven, it's about a 50-50 chance that one gets through. If you do the 0.7, you fire two missiles, there's an equal chance one is going to get through."

So now President Ryan says, "You know, these guys that designed this system are right. This enables me to not be blackmailed. I'm supposed to feel like I have freedom of action thanks to this defense."

And Carl says, "Hey look, Rumsfeld told Jim Lehrer that 70 percent effectiveness would be enough, at least initially. And with that system there's a 50-50 chance of losing at least one city if that rogue state fires two missiles. We're better off than we were."

And I assume that this scenario which they lay out means, where Ryan is president, he's going to say, "You know, I really have some flexibility now. I'm only going to lose Detroit or San Francisco or Cleveland or Dallas, so I can really move here with dispatch. I've got flexibility. I don't have upon deterrence."

Now, I know you think I'm being a wise guy here, but sometimes it's useful to reduce this complex nuclear theological discussion to reality. If I'm president, does that give me more flexibility?

Does that allow me to say, "I'm only going to lose one or two population centers, therefore I have more flexibility to do anything other than say, 'If you do, we will annihilate you'?"

I also find it fascinating, this whole premise is based upon the notion that defense no longer works. Deterrence no longer works.

Now, I say this, and there's a television audience listening: Help educate me. Name me a time in the last 500 years when the leader of a nation-state has said, "I know I face virtual annihilation if I take the following action, but I'm going ahead, and I'm going to do it anyway."

Saddam Hussein, the certifiable maniac—when George I said to him, "If you do we will take you out," what did he do with 500,000 forces marching on Baghdad? He had those Scud missiles everybody talks about as a justification for building the system. He had chemical weapons. He had biological weapons. Why did he not use them if deterrence does not work?

I just find the basic premise upon which this whole argument rests and the sense of urgency a little wanting. Think about it. We will have spent potentially up to a half a trillion dollars for a system that might work nine out of 10 times, assuming the administration knows how to build it, that, one, won't give the president the freedom of action.

One, that won't give the Pentagon what it really needs, won't modernize our conventional forces, and without being able to say, "Yes, we've saved Social Security for even one more day." That's the system we're going to build.

Remember now, folks, they don't know what it looks like, they don't even have it on paper, they have tested a system in one mode that, God bless our incredible technology, it worked, and I vote to pay for them to continue to do that research. But they're willing to pull out of an ABM Treaty that sends the signal to the rest of the world the end of arms control has arrived. And what protection do we have in the near term, let alone down the road?

Sure, we'll do all we can to defend ourselves against any threat, nobody denies that, but even the Joint Chiefs says that a strategic nuclear attack is less likely than a regional conflict, a major theater war, terrorist attacks at home or abroad, or any number of other real issues. We'll have diverted all that money to address the least likely threat, while the real threat comes to this country in the hold of a ship, the belly of a plane, or smuggled into a city in the middle of the night in a vial in a backpack.

And I ask you, you want to do us damage, are you more likely to send a missile you're not sure can reach us with a biological or chemical weapon because you don't have the throw weight to put a nuclear weapon on it and no one's anticipating that in the near term, with a return address saying, "It came from us, here's where we are?" Or are you more likely to put somebody with a backpack crossing the border from Vancouver down to Seattle, or coming up the New York Harbor with a rusty old ship with an atom bomb sitting in the hull? Which are you more likely to do? And what defense do we have against those other things?

Watch these hearings we're about to have. We don't have, as the testimony showed, a public health infrastructure to deal with the existing pathogens that are around now. We don't have the investment, the capability to identify or deal with an anthrax attack. We do not have, as Ambassador to Japan now, Howard Baker, and his committee said, the ability to curtail the availability of chemical weapons lying around the Soviet Union, the former Soviet Union and Russia, because they don't know what to do with it.

They showed us a report where they showed us photographs of things that look like large outhouses, clapboard buildings, with no windows and padlocks on the door, that have as many chemical weapons in that building to destroy the bulk of the East Coast—and we're not spending the money to help them corral and destroy that in the name of this search? The cost estimate was \$30 billion over 10 years in this bipartisan commission, and it was listed as the most urgent threat to the United States of America.

The truth is, technology will keep outpacing our capacity to build an effective system, which may well be obsolete or penetrable by the time it's done. And that means we'll continually increase our capability, and in turn, so will those who are trying to penetrate it. And so the new arms race begins.

Forty-nine Nobel Prize-winning scientists sent a letter to President Clinton last year opposing the deployment of the limited antiballistic missile system the president was contemplating, and I'll quote from the letter. Quote: "The system would offer little protection, would do grave harm to this nation's core security interest," end of quote.

They went on to say, and I quote—these are now, we're talking about 49 Nobel laureates—"We and other independent scientists have long argued that antiballistic missile systems, particularly those attempting to intercept reentry vehicles in space, will inevitably lose in an arms race of improvements in offensive capability."

That night in 1989 when the wall came down and we wondered where it would lead, another arms race was the furthest thing from any of our minds. The idea that our allies would question our commitment and our resolve, even our motives, was unthinkable.

Our place in the world seemed secure. The world was looking to us to demonstrate leadership, and it still is.

Let's think about how we felt that night. The feeling that something good was happening and something even better was on the horizon. It was as if the world had awoken

from a long, bad dream into a new era in which old values and old prejudices would no longer prevail, and new values and new ideals, wherever they were to be found, would be found and make us all more secure.

Folks, let's not now raise the starting gun on a new arm's race that is sure, I promise you, to make my children and my grandchildren and these students assembled here feel less secure than we feel today.

Thank you very much for listening.

Mr. BIDEN. On September 10, the day before the attacks on the towers, I made a speech to the National Press Club where I warned about a massive attack on the United States of America from terrorists; why I thought it would happen and why I thought our priorities were misplaced—the day before 9/11. I had no knowledge of 9/11, but I have been working in this field, like my colleagues on the floor, for 30 years. There was an inevitability to it. But we did nothing.

I feel like we are in that same "Alice in Wonderland" suspension when it comes to rail. It is either it is so big you can't protect everything so don't protect anything—like it was before. Our country is so big and so open there is nothing much we can do about terror. And the second subparagraph before 9/11 was: By the way, it is not likely to happen here.

Why? Why is it not likely to happen here?

There is \$250 million to be allocated to general security upgrades for freight rail operations. That includes things like putting cameras in freight yards so you have somebody watching who is wandering around those yards and maybe sticking something up underneath 90-ton chlorine gas tanker cars or putting in a boxcar a dirty bomb, a home-made weapon.

It also provides \$65 million to go specifically to Amtrak security upgrades for hiring officers. We had an interesting thing. We have a relatively small number of officers on Amtrak. If you go from here to fly out of Reagan Airport, if you go out of Dulles or Reagan Airport or the Philadelphia airport or LaGuardia or Newark or L.A. or O'Hare or Atlanta, you are going to go through, en route to your gate, probably as many security officers, including the folks inspecting your bags, as exist in all of Amtrak.

Did you hear me? Let me say that again.

I guarantee you that going through the screening area you are going to run into not just the people looking at you in the area you go through, but you are likely to run into more TSA screeners than exist in any one station in the United States of America.

I received a note indicating that I am needed urgently. If I could suspend for a minute and come back and pick up where I left off, I suggest the absence of a quorum.

(Ms. MURKOWSKI assumed the Chair.)

Mr. GREGG. Madam President, rather than suggesting a quorum, I will protect the Senator's position.

Does the Senator have a modification to his amendment?



AMENDMENT NO. 4585, AS MODIFIED

Mr. COBURN. I do. I have a modification of amendment No. 4585.

The amendment will remain intact with the following added at the bottom which says "except in Alaska, far Northwest, and far Northeast Continental United States of America."

I want to be clear that the RECORD show what that means; that is, they can dismantle LORAN everywhere except there. And that would protect specifically Nantucket, Caribou, George, and all six in Alaska. The study would still go forward for those areas only, not for the rest of the country. The dismantling of these areas that are not used would be able to continue as the administration and the Federal Radio Navigational Plan suggests.

I ask unanimous consent that the amendment be accepted.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4585), as modified, is as follows:

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading "UNITED STATES COAST GUARD" under the heading "OPERATING EXPENSES" may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide, except in Alaska, far northwest, and far northeast continental United States of America.

Mr. STEVENS. Madam President, I say to my friend, I do support his amendment now as amended to preserve the rights of people who currently rely on the LORAN-C—the LORAN system, not just the LORAN-C.

Thank you very much.

Mr. GREGG. Madam President, is that amendment pending?

The PRESIDING OFFICER. The amendment is not pending.

Mr. GREGG. Madam President, I ask unanimous consent that the amendment offered by the Senator from Delaware be set aside and the amendment which has just been modified be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Unless there is objection, I ask unanimous consent that amendment be agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4585), as modified, was agreed to.

Mr. COBURN. Madam American, I thank the chairman and ranking member for the acceptance of the amendments today and the cordial way in which they have worked with us. I appreciate it very much.

Mr. GREGG. I thank the Senator.

AMENDMENT NO. 4553

Madam President, is the regular order the amendment proposed by the Senator from Delaware?

The PRESIDING OFFICER. The Biden amendment.

Mr. BIDEN. Madam President, I thank my colleagues. I apologize. It

was an unusual request—an urgent message which turned out not to be urgent. I apologize.

The point I was making is \$65 million goes specifically to Amtrak security upgrades. Specifically, things such as hiring officers, increasing K9 patrols, increasing fencing, lighting, and cameras in areas where the security experts indicate they are badly needed.

There is \$100 million for R&D. I will not take the time of the Senate to go into any of the ways in which to deal with tunnels and innovative ways to deal with detection of chemicals, et cetera, and biological agents.

Before I close, I would like to point out a very troubling problem relating to rail police which this amendment addresses. We are all aware of the problems that this agency faces due to budget shortfalls. In particular, the police force is woefully inadequate for the job it is assigned to do. The amendment would add 200 Amtrak police officers and will provide a 25-percent salary increase for existing officers.

You ask: Why is that the case? This funding is critical because the Amtrak police department cannot pay anything remotely approaching the competitive wage rate of other police officers. This contributes to an incredibly high turnover.

An entry-level Amtrak police officer makes only \$31,000 with a maximum, no matter how long he or she stays on the force and no matter what responsibility, of \$51,000. By contrast, a Boston police department entry-level officer makes \$49,000, and a U.S. Capitol Police officer entry level makes \$46,746.

This presents a problem with recruiting and turnover.

Between 1997 and 2003, Amtrak lost 190 of its officers, with only 20 percent to retirement, and hired only 184. As a result, Amtrak has only 300 officers in the entire system nationwide, 20 percent below its inadequate authorized level.

I have been working with the Amtrak police department and the Fraternal Order of Police for some time to address the disparity.

This amendment sets aside \$25 million to add 200 police officers and gives existing officers a 25-percent pay raise. And still they will not be competitive enough relative to other agencies.

This funding is critical. We have neglected rail security since 9/11, and we have had wake-up call after wake-up call.

This year, just as last year, our strong ally has experienced a deadly attack at the same time we are addressing homeland security appropriations at home. I pray to God that next year, as we address this, we are not responding to what might happen to our rail system.

When are we going to wake up?

I would like to draw attention to the 9/11 Commission's report card issued this past December.

I think it was December 5. Don't hold me to that exactly, but it was in De-

cember. It found, in respect to our Nation's critical infrastructure, the following:

No risk and vulnerability assessments have actually been made, no national priorities established, no recommendations made on the allocation of scarce resources, and all key decisions are at least 1 year away.

It is time that we stop talking about priorities and actually set them.

With this amendment, we establish rail security as a priority.

I urge my colleagues to finally, for Lord's sake, deal with this. At any one moment today in New York City, there will be, in an aluminum tube in a tunnel underneath that city or standing on a platform, over 20,000 people. How many people are on a 747—500, 600? I don't know the number, but 20,000 people in a relatively confined space at any one time sitting in aluminum tubes in tunnels where there is virtually no protection—and standing on platforms. We all go to New York. Go on up there and look at Penn Station. Get off the train. Walk around and tell me how many police officers you identify. You will find more in your hometown.

We have to do something.

I thank my colleagues for listening to me once again. I hope I will not make this speech again next year as a consequence of another serious rail attack. I pray to God it is not at home.

I yield the floor. I thank the Chair.

Mr. GREGG. Madam President, the Senator from Delaware makes a strong and effective case for the need of stronger rail security. He puts it in the context of what is happening in other nations, what has happened in England or what happened yesterday in India. There is no question—and the most recent instance that was potentially here in the United States involving New York. There can be no question but that rail is a threatened infrastructure and a target of opportunity.

The problem with his amendment is, as he knows, we are constricted by certain rules that we have in allocation. We funded rail security at more than we funded last year—not a lot more and certainly nowhere near what the Senator from Delaware has asked for.

But we have used up all the allocation to take care of what we consider to be appropriate needs that have to be addressed—threat issues, mass destruction, border security, and things we have already discussed.

His amendment, as it is structured, would add \$1 billion on top of what we have received as an annual allocation, which means that it would break other allocations, exceed the agreed-to number, and that is something we can't do.

As much as I recognize the legitimacy of many of the points he makes, I think it is, however, important to put in context what is happening in rail.

The number in this bill—and we have about \$187 million for rail security—is not the only commitment to rail. In fact, if you look at the amendment that the Senator from Delaware has

put forward, a big chunk of the money, I think, goes to tunnel security or other construction. We talked about it quite a bit. Amtrak and the northeast corridor, which is Amtrak, gets its funding through another subcommittee. That subcommittee has, in its appropriation, a lot of money for Amtrak. In fact, it has \$770 million for capital improvement which can be used for tunnel security.

It has \$440 million, I believe, for operating costs which can be used for security. That comes through a different committee. And it is available for many of the things which these dollars would be used for.

In addition, I think it is important to note how our priorities are set by States and communities which have a large amount of rail and get the funds which we give them with great flexibility to be used to address threat. We distribute billions of dollars under this bill and the prior homeland security bills to major urban areas, especially along the northeast corridor. Those funds go out on the basis of threat. And communities such as New York, Washington, Baltimore, Boston, and Philadelphia have the opportunity to use those funds for rail security, if they wish to. But what we have seen from these communities is that they don't prioritize rail security at that level. They use it for other things.

For example, in 2005, of the grants that went to States and to communities, they spent only 2 percent of their discretionary pool on rail security; in New York, a little more, 12 percent. But on average, it was 2 percent.

The State of Washington actually was the most aggressive. They spent 29 percent of theirs on transportation security. In the largest urban areas, the average has been around 8 percent. Communities which have the opportunity to make the choice, do we put it into our subway systems and bus systems or do we put it into some other area where we see threat, we have decided that their commitment will be at this fairly small level of the overall dollars that are available. But the dollars are there in rather large sums—literally billions of dollars—and \$5 billion approximately is still in the pipeline which could be used in these areas. There are other resources that can go toward rail.

Those that are specific, such as the Amtrak funding that will come through for capital improvement, \$770 million out of the Transportation bill or the operating account, which is \$440 million, or those which are more general but could be reallocated toward rail, which are the city and State discretionary funds. So there is money and a lot of it that is available to move in this direction and address these needs.

Assume for the moment there is not enough, which is the argument of the Senator from Delaware. I am willing to accept that more money could certainly be used in this area. What is the

way we should approach this? It is not to break the cap. It is, rather, to tie it to a fee system, much as we have done with the airlines.

The Senator from Delaware mentioned the airlines. We have a transportation fee in the airline system, which essentially funds the TSA activities which involve a lot of capital activities in the area of airport security and obviously all the personnel. There are 22 million people who ride Amtrak. If you put a \$5 transportation fee on their tickets, which is about the same as the airline fee, that would generate almost exactly the amount of money the Senator from Delaware is requesting.

If the Senator wanted to bring his amendment back with that type of a fee system which would allow for the extra money and then allocate it the way he is suggesting it be allocated, rather than these other sources of revenue, I could agree to that, potentially. But in its present form as a cap buster, as a budget buster—because it takes the top off the appropriations bill—we cannot agree to this.

It is not that we do not feel there aren't needs there. There are needs there, but we feel there are other sources to fund those needs. We feel we make a strong commitment, relative to rail in this bill in the context of what has been done historically, and to the extent the Senator from Delaware feels an even stronger commitment has to be made beyond what Amtrak and cities and towns have as discretionary funds and beyond the \$187 million in this bill, should do it the same way we are doing it with TSA, which is to use a fee system. Those are our thoughts.

It is subject to a point of order because it is \$1 billion over the budget and would essentially blow the 302(b) cap. At the proper time, I will make that point of order, unless it is amended.

Mr. BIDEN. Will the Senator permit me to respond, briefly?

Mr. GREGG. The floor is the Senator's.

Mr. BIDEN. I ask unanimous consent Senator CLINTON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, let me deal with a piece at a time, to the cogent arguments my friend from New Hampshire has made and thank him for the acknowledgment that there may be a need to do more on rail.

First of all, I find the whole debate about homeland security, which is beyond the purview of this debate, somewhat fascinating. The 9/11 Commission tells us we should be spending over \$42 billion over the next 5 years to deal with what they believe and identify as serious threats which are woefully inadequate, where they give the mark to the Congress and the Senate of a D or an F, in terms of how they grade the area of concern. We are \$42 billion behind the curve to begin with.

I find the argument, by the way, a little akin to the argument my friend

from New Hampshire just made, a little akin to the false argument about whether, of \$740 million allocated in the last round, there should be a 40-percent cut in money for New York and Washington to be sent to St. Louis and Omaha. The question isn't whether it should have been cut to be sent to Omaha, the money is needed in New York and Omaha and in St. Louis.

The debate should be, why are we only spending, in that allocation, \$740 million? The single most primary and primitive function of Government is to protect its citizens, to physically protect them. In my view, it comes before civil rights, civil liberties. It comes before education. It comes before health care. If you are not safe in your home, safe in your street, safe in your Nation, the rest of it does not matter a whole lot.

So we get into a false debate. Take Amtrak, all the money in Amtrak, \$740 million for capital expenditures. That \$740 million for capital expenditures still leaves Amtrak about \$4.5 billion behind on capital needs. What are we talking about? Rail maintenance, rail improvement, the catenary wire above it, the actual cars, the actual engines that have to be upgraded. We have forced Amtrak, by underfunding so badly for so long, to cannibalize its own system in order to be able to pay salaries to keep the trains operating. There is no money.

It is a little bit similar to my saying, in the education budget, there is a whole lot of money there in order to be able to provide for eliminating the additional cost of the loans to college students because the education budget has X number of dollars. That means you have to go cut something out of education that is already underfunded.

I find it to be a false argument.

The point about the basis of the threat, I know of no other area where there has been as many consistent, specific threat assessments made by the FBI, by the CIA, by our intelligence agencies than rail. I may be mistaken, but I am happy to stand corrected if I am wrong. The threat is there.

Lastly, TSA does not pay for the doors on the aircraft. We still spend billions and billions of direct dollars in taxpayers' money. Again, it sounds good but irrelevant.

The arguments are very well made and very irrelevant. We are still only spending about \$150 million.

You say: Well, the States have this money. What have they chosen to do? Guess what. How much money have the States had to spend on airport security when they choose that? The Federal Government has come in and taken on the lion's share of that responsibility. I am confused. Why does Reagan Airport, which has fewer people visiting every day, have a higher priority than Union Station? I don't get that. I don't understand that.

The bottom line is, we do not have the commitment to deal with this. I acknowledge, as the chairman of the subcommittee, my friend gets an allocation. But, again, that is a false argument. It is true he gets an allocation. Why is the allocation not bigger? The allocation is not bigger because our priorities in this country are backward.

Let me give one example, and I realize it is just one. About a month ago, we had the six major oil companies before the Judiciary Committee. During that time, the chairman, Republican Chairman Senator SPECTER—and the issue was price gouging—swore all six CEOs in under oath. Everyone asked about price gouging.

It got my turn in the order of asking questions, and I said I would like to not ask about price gouging, I would like to ask you about tax breaks. You have an Energy bill last year that I voted against, that, at a minimum, there are \$2.5 billion worth of tax breaks to encourage you to explore. I looked at the chairman of the board of ExxonMobil. I am paraphrasing, and I will later in the day come back with the actual record of that exchange and ask it be printed in the RECORD at that time. I said: You made \$35 billion in profits. My mother would say: God love you, that is wonderful. I am not arguing about your profit. That is great. Do you need any of the \$2.5 billion per year you are going to get? He put his head down, if you take a look at the film. I said: Sir, you are under oath. And he looked up and he said: No, we don't need it. I said: Good. And I went down the list of the other five oil executives. Do you need it? No, no, no, no, no.

Then I asked another question. I'm going to propose to eliminate that tax cut, and I am going to use it for homeland security. Do you object to that? Would you support it? I said: You are under oath. The CEO of ExxonMobil said: I would support it. They all supported it.

So \$2.5 billion we are wasting—wasting—in giving energy breaks to oil companies.

I say to my colleagues, parenthetically, you do not hear me stand up here and demagog. I am happy they are making all that money. But they acknowledge they do not need it. For \$2.5 billion, we could restore my entire COPS Program, which we have eliminated. We could add 1,000 more FBI agents to deal with homegrown terrorism. We could fund every penny of this.

I realize, as the joke goes, that is above my friend's pay grade. It is not his responsibility. But we get put in these positions where guys such as me vote against budget priorities that are set, allocations are limited, and, understandably, under the rule, we are then put in a position of points of order.

I respectfully suggest that if anyone said: What should be the priorities of this Nation and how much money

should we be spending to protect the American people, my guess is a whole lot of things, including some social programs, would come after a basic fundamental requirement to protect the American people from what we are told is a reasonable probability that it will happen.

I accept everything my friend said in terms of the caps, et cetera. I acknowledge this, in fact, would be subject to a point of order. I find it frustrating I am consistently left in the position of having to argue. It is a little bit similar to what we used to do in local office. You cut the budget, and we would make the hearing impaired compete with the physically impaired, who compete with the blind, for the limited amount of money we gave them. We would say: We cannot use more money for the hearing impaired because within this allocation we do not have enough money. We will have to cut it from someone else or go find it somewhere else. That is how I feel.

I apologize for my frustration. The record will show, although when I speak in the Senate someone suggests I am mildly energized about what I speak about, I don't often rise in the Senate to speak.

Folks, we are going to regret this. We are going to regret this.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I ask unanimous consent at 2 p.m. today the Senate proceed to a vote on the motion to waive the budget with respect to the Biden amendment No. 4553, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 4589 WITHDRAWN

Mr. GREGG. I ask unanimous consent the amendment of Senator COBURN, No. 4589, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I now understand that the Senator from South Dakota has an amendment he wishes to offer, and we will proceed to that. If there are other people who wish to bring amendments over prior to the 2 o'clock vote, we would be happy to hear from them.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, maybe this has already been done, but I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 4610

Mr. THUNE. Madam President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, and Mr. TALENT, proposes an amendment numbered 4610.

Mr. THUNE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels)

On page 127, between lines 2 and 3, insert the following:

#### SEC. 5. ALTERNATIVE ENERGY REFUELING SYSTEMS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a fund, to be known as the "Energy Security Fund" (referred to in this section as the "Fund"), consisting of—

(A) amounts transferred to the Fund under paragraph (2); and

(B) amounts credited to the Fund under paragraph (3)(C).

(2) TRANSFERS TO FUND.—For fiscal year 2006 and each fiscal year thereafter, there is appropriated to the Fund an amount determined by the Secretary of the Treasury to be equal to the total amount deposited in the general fund of the Treasury for the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code (including funds obtained under consent decrees).

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(4) USE OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be made available to the Administrator of the Environmental Protection Agency for use in carrying out the reimbursement program for alternative energy refueling under section 9003(h)(13) of the Solid Waste Disposal Act.

(b) ALTERNATIVE ENERGY REFUELING.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by adding at the end the following:

"(13) ALTERNATIVE ENERGY REFUELING SYSTEMS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ALTERNATIVE ENERGY REFUELING SYSTEM.—The term 'alternative energy refueling system' means a system composed of 1 or more underground storage tanks, pumps, and pump fittings or other related infrastructure that is used to refuel motor vehicles with—

"(I) compressed natural gas;

"(II) E-85 ethanol;

"(III) a fuel described in section 30C(c)(1) of the Internal Revenue Code of 1986; or

"(IV) any other alternative fuel, as determined by the Administrator.

"(ii) ELIGIBLE ENTITY.—The term 'eligible entity' means a refueling vendor or other person that is an owner or operator of a service station or other facility at which an alternative energy refueling system is located or proposed to be located.

"(iii) ENERGY SECURITY FUND.—The term 'Energy Security Fund' means the Energy Security Fund established by section

5 (a)(1) of the Department of Homeland Security Appropriations Act, 2007.

“(B) REIMBURSEMENT PROGRAM.—

“(i) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a program to provide to eligible entities, for each of fiscal years 2007 through 2011, reimbursement from the Energy Security Fund of a portion of the costs of purchasing and installing 1 or more alternative energy refueling systems, including any alternative energy refueling system intended to replace a petroleum refueling tank or system.

“(ii) APPLICATION.—An eligible entity that seeks to receive reimbursement described in clause (i) shall submit to the Administrator an application by such time, in such form, and containing such information as the Administrator shall prescribe.

“(iii) TIMING OF REIMBURSEMENT.—Not later than 30 days after the date on which the Administrator, in consultation with the appropriate State agency, verifies that an alternative energy refueling system for which reimbursement is requested by an eligible entity under this paragraph has been installed and is operational, the Administrator shall provide the reimbursement to the eligible entity.

“(iv) LIMITATIONS.—

“(I) PROHIBITION ON RECEIPT OF DUAL BENEFITS.—An eligible entity that receives a tax credit under section 30C of the Internal Revenue Code of 1986 for placing in service a qualified alternative fuel vehicle refueling property (as defined in that section) may not receive any reimbursement under this paragraph for an alternative energy refueling system on the property if the cost of the alternative energy refueling system was taken into consideration in calculating the tax credit.

“(II) NUMBER OF SYSTEMS.—An eligible entity may not receive reimbursement under this paragraph for more than 2 alternative energy refueling systems for each facility owned or operated by the eligible entity.

“(III) AMOUNT.—The amount of reimbursement provided for an alternative energy refueling system under this paragraph shall not exceed the lesser of—

“(aa) the amount that is 30 percent of the cost of the alternative energy refueling system; or

“(bb) \$30,000.

“(C) FURTHER APPROPRIATION.—Reimbursement authorized under this paragraph shall be provided by the Administrator without further appropriation.

“(D) NO EFFECT ON OTHER RESPONSIBILITIES.—Nothing in this paragraph affects any obligation of an owner or operator to comply with other provisions of this subtitle.”.

Mr. THUNE. Madam President, the amendment I offer is something I feel very strongly about. A threat to America's energy security is a threat to our national security. Our dependence upon OPEC and foreign oil entangles us in the Middle East and makes us dependent on countries that are hostile to America and to American interests. The greater America's dependence upon foreign energy, the greater the threat to American national security.

Two decades ago, America alone drove the world's economy. We had Western Europe as competitors, but our economy was clearly on top and unchallenged. But things have changed. Right now, China is growing at about 10 percent a year in GDP. That is almost three times the rate of growth here in America. They do not

have 300 million citizens; they have over a billion. People in that growth rate create an incredibly strong economy with serious economic demands; and one of those demands is oil.

China is not alone. India is also growing at a double-digit rate. They, too, are a huge economy. And both countries are expanding their manufacturing, expanding their technology, and, therefore, expanding their demand for oil.

The challenge for American consumers and, frankly, for American industry is that the supply of oil has not kept up with the demand for oil. When you have an essential economic commodity, and you are not producing a sufficient supply, then prices tend to go up, which is what we see happening across the country today. We are all fighting for the same gallon of oil. Until that changes, either we will need to increase supply or we are going to face higher prices.

In my view, the long-term strategy and solution is to power our automobiles with something other than gasoline. Technology is the way to help change America for the better. Years of investment in fuels such as ethanol have put us on the threshold of major breakthroughs. Those breakthroughs are becoming a reality for consumers here in this country.

In my home State, the community of Aberdeen, SD, is, right now, selling E85 fuel for under \$2 a gallon when other fuel prices are going for \$3 a gallon and sometimes higher because they have an abundant supply of ethanol. It is produced locally, and the fuel retailers have made the investment to install the tanks. That is the very thing we want to see happen in other places across this country because American consumers and Congress realize we have to do more to reduce our dependence upon foreign sources of energy.

The amendment I am offering would significantly help in providing alternatives for the American consumer while lessening our dependence upon foreign oil. This amendment, very simply, would allow station owners around this country to be reimbursed for 30 percent—not exceeding \$30,000—of the expenses related to the purchase and installation of alternative refueling systems.

This amendment provides partial reimbursement for eligible alternative refueling systems, such as E85—which, I mentioned, is something we are starting to see more of in my State—bio-diesel, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and other alternative fuels as defined by the Environmental Protection Agency. This amendment utilized penalties that are primarily paid by foreign automakers who violate CAFE standards. Last year, these penalties generated about \$20 million. It will complement the growing number of alternative fueled vehicles across our country, protect the environment, and allow our coun-

try to reduce its dependence upon foreign sources of oil.

The car companies in this country have announced recently they are going to double the number of flex-fuel vehicles they are going to put on the roads here in the future. If you look at already what we have on the roads today, there are more than 5 million flexible-fuel vehicles on the road that can run on either E85 or regular gasoline. However, the problem is that we have 180,000 gas stations across this country and only 800 currently offer E85 ethanol. In short, this means that less than 1 percent of all stations in America today offer E85 as an alternative.

The average cost of purchasing and installing an E85 refueling system is approximately \$40,000 to \$200,000, depending on the geographic area and the size of the tank. Ethanol production is at an all-time high of 4.5 billion gallons per year. Nationwide, there are currently 103 plants producing ethanol, with 35 more under construction. Those 35 additional plants will add an additional 2.3 billion gallons of ethanol production by next year. The Energy Policy Act, passed last year, requires the annual use of 7.5 billion gallons of alternative fuel by the year 2012.

The amendment is very straightforward. It acknowledges the fact we have auto manufacturers who are producing more and more automobiles that are capable of using alternative sources of fuel such as E85. It acknowledges the fact that we have production in this country going, with 2.3 billion additional gallons becoming available this year of ethanol. And it also acknowledges there is a consumer out there in the country today who is looking not only to get the very best possible price per gallon for the fuel they put in their vehicle, but also to do something about the long-term problem that faces this country; that is, this enormous appetite for oil that furthers our dependence upon foreign sources of energy.

What we need in this country is American energy and American independence so we do not have to worry about getting all that fuel, all that oil, from places outside the United States that are hostile to this country and to American interests.

This is about energy independence. It is about closing that distribution gap, so that now that we have the supply, we have the demand for ethanol, that we have the fuel retailers in this country moving in a way, putting policies in place, that would make it possible for them economically to install the very pumps that would provide the fuel that is being increasingly demanded by American consumers and which those in the ethanol industry in this country are continually gearing up, in terms of production, to meet.

So this is a very straightforward amendment. It applies to this particular piece of legislation, I believe, for a lot of reasons, one of which is, as

I said earlier, it is a very, very clear and established connection that a threat to America's energy security is a threat to our national security.

We talk about protecting our homeland and making sure America is safe and secure going forward for future generations. A key component in that debate ought to be: What steps are we taking as a nation, what policies are we putting in place that will enable our country to become energy independent, to have American energy meet the needs and the demands that our economy has to grow in this country?

So, Madam President, I offer this amendment to this legislation. There are others who I believe are interested in this issue. I introduced a bill that is very similar to this amendment. I have made some slight modifications to it, which was cosponsored by Members on both sides of the aisle, Republicans and Democrats. A similar bill is calendared for action in the House of Representatives.

I believe it is high time as a nation, as a U.S. Senate, that we put as a priority getting away from that dependence upon foreign sources of energy, having an abundant supply of an American energy, so we can provide the supply that is necessary to fuel our economy, keep it growing, keep it strong, and make sure that it is affordable for American consumers.

Madam President, at this point I ask unanimous consent that the amendment be laid aside, and I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I ask unanimous consent that the Senator from North Dakota be recognized for up to 10 minutes as in morning business, and upon completion of his statement the Senator from Louisiana be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.  
(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4615

Mr. VITTER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4615.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law)

On page 127, between lines 2 and 3, insert the following:

**SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.**

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm during an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) if the possession of such firearm is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

Mr. VITTER. Madam President, this involves gun confiscation during major disasters or emergencies. My amendment is very simple and straightforward. It would prevent any sort of confiscation of legally held guns protected by the second amendment during major disasters or emergencies.

In the wake of Hurricanes Katrina and Rita, local and Federal law enforcement officials were overwhelmed in many ways by the tragedy that unfolded. That is understandable. During the chaos, a criminal element took advantage of the tragedy and started to commit serious crimes against persons and property. In many cases, law-abiding citizens took action and defended their property and themselves through the constitutionally guaranteed second amendment right to bear arms.

There is probably no more important or significant moment in normal, everyday American life where that second amendment right meant something. In some cases, it was literally the difference between a law-abiding citizen's life or death and between that citizen's ability to protect his property or have it completely taken away. Yet in the midst of that situation, where that constitutionally guaranteed right was so important, even far more important than in an everyday situation—although it is certainly crucial then—certain law enforcement authorities confiscated legally held firearms by law-abiding citizens. Not a few, not a dozen, not two dozen, but literally thousands were confiscated by law enforcement officials.

In fact, even well after the hurricanes, the Federal court ordered the city of New Orleans to return all guns unlawfully seized during Hurricane Katrina. Even after all that, the New Orleans police superintendent, Warren Riley, stated in a June 6 radio interview that his officers would confiscate guns again if another similar disaster should strike New Orleans.

This is ridiculous and should not be tolerated. We are talking about a con-

stitutionally protected second amendment right. And even more so, we are talking about a situation where those rights are vitally important for the law-abiding citizen when the police are not there and are unavailable, when there is no phone service, and literally that citizen's second amendment right is the key to protecting his own life, his family, and their property.

I am proud to say that in Louisiana, our State legislature acted on this issue, as I am attempting to do today. In June of this year, in time for the new hurricane season, a law was passed to clarify that the emergency powers granted to the Governor and to local officials "do not authorize the seizure or confiscation of a firearm, weapon or ammunition from any individual if the firearm, weapon or ammunition is being possessed or used lawfully."

I am supportive of that action by the State legislature. It was signed into law by the Governor. Unfortunately, there is still room for Federal authorities to act inconsistent with that. That is the problem and the issue and challenge I want to solve. My amendment is very simple and straightforward. It is a limitation of funds saying that no Federal funds in this act can be used to temporarily or permanently seize any firearm during an emergency or major disaster, if the possession of such firearm is not prohibited under Federal or State law. The amendment also allows for the forfeiture of firearms in compliance with Federal or State law or as evidence in a criminal investigation.

I hope this will be noncontroversial, that all Senators will accept the amendment as an important, common-sense clarification of the law and what the law certainly should be.

I understand our law enforcement officers are under intense pressure in these extreme situations following a major disaster or a major emergency. But particularly in those situations, when their services, quite frankly, are unavailable to the populace as under normal times, when all communication is shut down, officers should not be confiscating legal firearms from law-abiding citizens protected under the second amendment.

That is the nature of my amendment. I ask unanimous consent that the following Senators be added as cosponsors of the amendment: Senators INHOFE, ENZI, THUNE, BURNS, BROWNBACK, MARTINEZ, DOMENICI, and GREGG.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

Mr. VITTER. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

AMENDMENT NO. 4553

Mr. GREGG. Mr. President, I ask for the regular order with respect to the Biden amendment.

The PRESIDING OFFICER. The Biden amendment is now the pending amendment.

Mr. GREGG. I will raise a point of order against the pending amendment. The amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I move to waive the relevant sections of the Budget Act on this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 194 Leg.]

## YEAS—50

Akaka	Feinstein	Murray
Allen	Harkin	Nelson (FL)
Baucus	Hutchison	Obama
Bayh	Inouye	Pryor
Biden	Jeffords	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Santorum
Carper	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Dayton	Leahy	Snowe
DeWine	Levin	Specter
Dodd	Lieberman	Stabenow
Dorgan	Lincoln	Talent
Durbin	Menendez	Talbot
Feingold	Mikulski	Wyden

## NAYS—50

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Bennett	Dole	McConnell
Bond	Domenici	Murkowski
Brownback	Ensign	Nelson (NE)
Bunning	Enzi	Roberts
Burns	Frist	Sessions
Burr	Graham	Shelby
Chafee	Grassley	Smith
Chambliss	Gregg	Stevens
Coburn	Hagel	Sununu
Cochran	Hatch	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Conrad	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	

The PRESIDING OFFICER. On this question, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENTS NOS. 4558, 4554, 4552, AND 4569, EN BLOC

Mr. GREGG. I have four amendments—by Senators LAUTENBERG, SALAZAR, KERRY, and FEINGOLD—all of which have been cleared on the other side. I ask unanimous consent they be considered en bloc and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows

AMENDMENT NO. 4558

(Purpose: To prohibit the expenditure of appropriated funds to enforce or comply with the limitation on the number of Transportation Security Administration employees, and for other purposes)

At the appropriate place, insert the following:

## CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY

SEC. \_\_\_\_\_. No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

AMENDMENT NO. 4554

(Purpose: To require the Secretary of Homeland Security to prepare a report on the conduct of activities to achieve communications interoperability)

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

AMENDMENT NO. 4552

(Purpose: To repeal TSA's exemption from Federal procurement law)

At the appropriate place, insert the following:

## SEC. \_\_\_\_\_. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 4569

(Purpose: To require reports to Congress on Department of Homeland Security use of data-mining)

On page 127, between lines 2 and 3, insert the following:

## SEC. 540. DATA-MINING.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term “data-mining” means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term “database” does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

The PRESIDING OFFICER. The Senator from West Virginia.



Mr. BYRD. I ask unanimous consent my name be added as a cosponsor to Senator VITTER's amendment No. 4615.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4620

Mr. BYRD. Mr. President, I shall offer an amendment to strengthen chemical facility security.

As Yogi Berra once said, "this is like déjà vu all over again." This is the fourth appropriations bill for the Department of Homeland Security, and every summer, I have offered an amendment to provide incentives to the chemical sector to secure their facilities by establishing a chemical security grant program.

Unfortunately, at every turn, the administration opposed my amendments and those amendments were defeated. The administration claimed that it was partnering with the chemical sector and that they were doing enough to secure their facilities.

In my State of West Virginia, there are 73 chemical manufacturing plants and 100 chemical distribution plants. If there were an attack on one or more of those facilities, the potential loss of human life and damage to the local and national economy would be devastating. The same can be said for facilities in New Jersey, New York, Texas, Michigan, California, Pennsylvania, and many other States.

The Department of Homeland Security's National Strategy for Securing the Chemical Sector states that "the value of the sector to the Nation, as well as the potentially high consequences associated with some chemical facilities, make the Chemical Sector a potentially attractive target for terrorists."

Despite the multitude of warnings that the chemical sector is vulnerable to attack, including its own warnings, the administration has shown a great reluctance to make security at chemical facilities a priority.

Last year, the Government Accountability Office concluded that for 93 percent of the chemical industry, it is uncertain whether facilities are improving security at all. Only 1,100 of the 15,000 chemical facilities identified by the Department of Homeland Security are known to adhere to voluntary industry security procedures.

The Environmental Protection Agency reports that 123 chemical plants located throughout the Nation could each potentially expose more than a million people if a chemical release were to occur.

I was encouraged last summer when the DHS Assistant Secretary for Infrastructure Protection and Information Security testified before Congress that a system to enforce and audit security standards must be put in place for the chemical sector. Unfortunately, no action has been taken since his testimony.

This year, in its National Strategy to Secure the Chemical Sector, DHS says, "legislation that would provide the De-

partment of Homeland Security with overarching regulatory authority for the Chemical Sector security should be enacted." If the administration were serious about chemical security, it would have submitted legislation to back up this tough talk. Yet, the administration has not submitted such legislation. Nor has it played an active role in encouraging the congressional leadership to work with the various committees with an interest in this matter to resolve their differences and bring a bill to the floor. This morning, the administration submitted its statement of administration policy on the bill that is before the Senate, and once again the administration is silent on this matter. For the life of me, I do not understand why this administration does not take securing our chemical facilities seriously.

I applaud the Homeland Security and Governmental Affairs Committee for reporting legislation on this matter, and I thank Senator JOE LIEBERMAN for cosponsoring this amendment.

My amendment requires the Secretary of Homeland Security to issue interim final regulations for chemical facilities that he determines present the greatest security risk. The substance of the regulations would be established by the Secretary.

I believe this is a strong first step. Any regulations issued by the Secretary under this authority would only be applicable until final regulations issued under other laws are established.

We have waited too long. The potential devastation—the terrible loss of life, the huge hit to the Nation's economy, the irreparable harm to our air and water—the potential devastation demands that we take steps now to secure these chemical facilities. There has been enough talk; it is time to act. I urge all colleagues to support this amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mrs. CLINTON, proposes an amendment numbered 4620.

Mr. BYRD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate safety at high-risk chemical facilities)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk

and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I support the Senator's amendment. I understand there may be some Members who wish to speak to it, so I suggest we lay it aside and move on to the amendment of the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4621

Mr. BAUCUS. Mr. President, I ask the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 4621.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to conduct tests of unmanned aerial vehicles for border surveillance along the border between Canada and the United States)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

Mr. BAUCUS. Mr. President, I rise to offer an amendment to the Homeland Security appropriations bill to address an area that needs more attention, the northern border. We have 5,526 miles of border between the United States and Canada. That is about double the length of our southern border with Mexico. Along that border, about 560 miles of it is in the State of Montana. The terrain is remote in many cases. It is mountainous. Passage is somewhat difficult in some areas. In others it is easy; it is wide open.

This amendment will help our Border Patrol cover this vast area by requiring the Department of Homeland Security to conduct a pilot program using unmanned aerial vehicles along that border.

In addition to personnel training, we must also employ the latest technologies. The border patrol has already

conducted successful tests using UAVs along the southwestern border in Arizona for aliens and detection of those attempting to enter our country illegally. It requires some of the UAVs already provided for in this bill be used to run a pilot program on the northern border similar to that conducted on the southern border.

We do not want to compete with our friends in the Southern States, but we want to make it clear that the northern border also needs increased attention. As you can imagine, as the southern border of the United States is tightened, our northern border, which used to be America's back door, is quickly becoming a front door.

Customs and Border Patrol report that their No. 1 concern on the southern border is illegal immigration. What is the No. 1 concern on the northern border? Terrorism. Border gangs are going international and admit having ties to al-Qaida and smuggling al-Qaida members into the United States.

In Montana, markings from these gangs have been found in the correctional systems, within the walls of our jails, in our detention facilities.

Surveillance of our ports is happening daily by nefarious people. It appears that our procedures for checking out vehicles both leaving and entering our country are being looked at by criminals, and it has been reported that these "dry runs" are being conducted near Glacier National Park. All of these activities are made easy due to the wide open space and insufficient numbers of law enforcement personnel along our northern border.

The ability of our Border Patrol to successfully carry out their daily duties is of critical importance, obviously, to the safety of all Americans. This amendment will give us the tools we need to protect our borders. UAVs are a safe alternative to placing civilians in harm's way, and by introducing a pilot program that helps us patrol our northern border, we are getting on the right track to fighting the war on terrorism and keeping our home front safe.

For these reasons, I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent to add Senators CANTWELL and MURRAY as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise to speak in support of this amendment offered by my colleague from a northern border State, and want to emphasize that homeland security along our northern border is of the utmost importance.

I think the amendment offered by the Senator from Montana is a very important amendment for us to add to this legislation because of both its efficiency and effectiveness in helping us secure our northern border. For us, with great transportation crossings as

we have in Washington State, including ferry transportation crossings, there was the instance in the Northwest where a terrorist was caught coming across from Canada into Port Angeles who was detained.

But we are here today to talk about the vastness of the northern border that sometimes is penetrated by people who are not checking in at various checkpoints but try to sneak into the country along the vast, rugged areas of our Northwest terrain.

So it is very important we get tough on border security by passing this amendment, which has cutting-edge technology that will actually help save this country dollars and provide greater border security.

The unmanned aerial vehicles, as Senator BAUCUS has talked about, are already being deployed on dangerous patrols in the Middle East and in some places along our borders here at home. But the UAVs, I believe, are already in limited use on the southern border, and they have proven their effectiveness. To me, it is something we ought to expand on for our overall capability to help respond to incidents.

With their extended range, these UAVs can conduct prolonged surveillance, sweep over remote border areas, relaying information to border agents on the ground. As has been described by some of the people I have met with on this issue, they literally create a communications network from the air to the ground that can get vital information to those who are involved in border security who can more effectively, then, do their job.

This process provides critical intelligence about the areas that have previously gone unsecured for so long, and it allows our agents to better prepare and respond to incidents involving both illegal immigrants and drug smugglers.

Now, I know there has been the Insitu Group from our State that has provided this technology in our Operation Iraqi Freedom and the global war on terror. They have flown many hours and been very effective with that technology. So I believe it is important for us to now get aggressive about using this same technology—that has been proven so successful—on our northern border and to have the continuation of its use on our southern border so we can modernize the patrol capabilities and reach hundreds of miles that have previously been unguarded.

As I said, we do this at a much more effective rate than could possibly be done with any other tools and technology or manned efforts. So we will be giving our agents the best technology possible for them to guard our southern and northern borders, using improved intelligence. That is why I am so happy to work with Senator BAUCUS to direct the Department of Homeland Security to do a pilot on this UAV surveillance along the northern border.

I will continue to work with him and many of my other colleagues to encourage Homeland Security to run this

pilot program in affected areas throughout the Northwest and making sure that the investment here is realized so we can continue the expansion of this operation.

As I said, the technology will help law enforcement at every level do their job, and it will help us in fighting this influx of drug problems we are also facing in the Northwest as well. And it will certainly give our citizens at home more security.

We cannot turn our backs on the needs of the northern border while we are looking at some of the issues on the southern border. So let's make sure we are effective in covering both areas of our country and giving law enforcement the broadest tools possible to do their job.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I advise Members and their staff who are listening that we have put out a request for anybody who wishes to address the amendment from Senator BYRD to get in touch with us, and if they have an objection to get in touch with us. Otherwise, at 3 o'clock, I intend to move to accept that amendment—just so people are aware of that, unless we hear an objection.

The Senators from Montana are working on making sure the language of this pending amendment—I understand Senators BURNS and BAUCUS from Montana are working to make sure the amendment is correctly drafted. Once they work out the correct drafting of the amendment, then I would expect we would accept that amendment also.

Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4614

Mr. GREGG. Mr. President, I call up Senator BYRD's amendment No. 4614.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. BYRD, proposes an amendment numbered 4614.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows

(Purpose: To establish procedures for grants for State and local programs)

On page 93, line 4, before the period insert the following: "": *Provided further*, That for

grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than 45 days after the date on which such an application is received".

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleague, Senator BYRD, in offering an amendment to the Homeland Security appropriations bill for fiscal year 2007 that would require the Department of Homeland Security to issue interim regulations to help secure the most dangerous chemical facilities around the country.

Since 9/11 opened our eyes to the threats we face on U.S. soil from Islamist terrorist groups, we have moved to improve security for many of the critical elements of our society and economy. But somehow we have not yet protected one of our greatest vulnerabilities—the chemical sector.

Chemicals are vital to many of the processes that feed us, heal us, and power our economy. Yet the very pervasiveness of the chemical sector makes it vulnerable to terrorism. Thousands of facilities throughout the country use or store potentially lethal materials, often near large population centers.

We know that terrorists are interested in targeting these facilities. The Congressional Research Service reports that during the 1990s both international and domestic terrorists attempted to use explosives to release chemicals from manufacturing and storage facilities close to population centers. The Justice Department in 2002 described the threat posed by terrorists to chemical facilities as "both real and credible," for the foreseeable future.

When homeland security expert Richard Falkenrath testified before our committee last year, he said that one asset above all others stands out as being acutely vulnerable and uniquely dangerous: toxic-by-inhalation chemicals. He said the Federal Government had done virtually nothing to secure the facilities manufacturing and storing these chemicals and called on the 109th Congress to give the executive branch the authority to mandate and enforce security enhancements for these facilities.

I think Congress has the responsibility to enact a strong and comprehensive chemical security program, and I believe we have started down the right road to do so. Last month, the Homeland Security and Governmental Affairs Committee unanimously approved the Chemical Facility Anti-Terrorism Act of 2006, which Senator COLLINS and I introduced last December. I think this legislation—which was crafted and approved on a bipartisan basis after four hearings and extensive input—is the best way to address the vulnerability posed by chemical sites.

The bill would authorize DHS to issue final regulations to help secure the Nation's most at-risk chemical facilities.

I urge the administration—which has said it wants legislative authority to regulate chemical security—to actively support this strong, bipartisan legislation and the majority leader to give it with immediate consideration on the Senate floor.

But we cannot afford to take chances where chemical security is concerned and every day of additional delay on chemical site security places the American people at unacceptable risk. So while it is my great hope that we will enact the Chemical Facility Anti-Terrorism Act of 2006 soon to establish a permanent chemical security program, this amendment is critical to ending the long drought of inaction on chemical security by the Federal Government and ensuring we will move swiftly to begin to close this critical homeland security gap.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4614) was agreed to.

Mr. GREGG. Mr. President, the regular order is the Baucus amendment; is that correct?

The PRESIDING OFFICER. The Baucus amendment is now pending.

#### AMENDMENT NO. 4620

Mr. GREGG. Mr. President, I ask unanimous consent that the Baucus amendment be set aside and that the Byrd amendment be returned as the regular order. It is amendment No. 4620.

The PRESIDING OFFICER. Without objection, amendment No. 4620 will be made the regular order.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4620) was agreed to.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise today to speak in favor of an extremely important provision in the pending bill. That funding provision is the \$40 million to support the Counter-MANPAD program. This is a program

initiated by Congress to develop technology to protect commercial aircraft from man-portable air defense systems or MANPADS, known to many as shoulder-fired missiles or portable anti-aircraft weapons. Congress originally included \$110 million in funding for this program in the fiscal year 2006 budget and there is currently \$40 million in the pending fiscal year 2007 Homeland Security Appropriations bill. This funding will allow for the completion of Phase III of this important program. This phase includes testing of the technology in real-world operations, a final report on the findings to Congress and the termination of the program.

Unfortunately, the Department of Homeland Security has decided to complete the program and report its findings based on Phase III flight testing on cargo aircraft only. This is a decision that I question because it runs counter to the program's original objective of developing a system that would protect primarily passenger aircraft, but also protect cargo aircraft.

Operations in the cargo and commercial aviation industries are very different and I believe that any final reporting or evaluation must include an assessment of the potential deployment of a Counter-MANPAD system on passenger aircraft as well as cargo aircraft. Without the actual flight testing of the Counter-MANPAD system on passenger aircraft, it is impossible to accurately evaluate the system.

Moreover, future policy decisions on aircraft protection would be based on findings that many could argue are incomplete. Prior funding has already gone a long way towards approving this important technology, and adding a passenger aircraft study would validate the original objective set forth by DHS and Congress, and in no way delay any final reports from the program office.

I commend the work of the subcommittee for including this funding as well as those who participated in the program through the Department of Homeland Security, phases 1, 2, and 3. I also commend the many participants in the private sector: from the scientists, engineers, to those who test the equipment to ensure that it is the strongest, most competitive, most viable system.

I thank the committee for its work and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. What is the regular order, Mr. President?

The PRESIDING OFFICER. The Senator's amendment is the pending question.

#### AMENDMENT NO. 4621, AS MODIFIED

Mr. BAUCUS. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 4621), as modified, is as follows:

(Purpose: To require the Secretary of Homeland Security to conduct tests of unmanned aerial vehicles for border surveillance along the border between Canada and the United States)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, working expeditiously with the Administrator of the Federal Aviation Administration to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

Mr. BAUCUS. Mr. President, the modification to the amendment I offered is including the phrase, "working expeditiously with the Administrator of the Federal Aviation Administration."

The purpose is to make sure that the Department of Homeland Security's efforts in operating the pilot program along the northern border is one that can work with the FAA because the FAA will probably have to give clearance for air traffic taking off. In addition, the FAA will need to, it is my understanding, offer a waiver for these types of aircraft as they have at the southern border. It is my hope, in working with Senator BURNS, that this will clear up potential problems that may arise. I urge adoption of the amendment.

I have already spoken about this and why I think it is important. The efforts on the southern border are to combat illegal immigration, and on the northern border they are more to combat terrorism. There are many more reports of potential terrorist casing and transporting of people into the United States from the northern border. It is becoming quite alarming.

It is our hope that this will help control the northern border and help with the additional personnel really needed on the northern border. We don't have that personnel. I think this will help make our country more secure. I thank my colleague from Montana, Senator BURNS, for making this suggestion. This is a good suggestion. It will strengthen this amendment. I hope it will be agreed to.

Mr. BURNS. Mr. President, I thank my friend and colleague from Montana. The reason we filed that amendment on Monday was for this particular reason: The FAA controls all air space. Just like we found out a little while ago, they only have one area where a waiver has been granted, and this instructs that the Secretary of Homeland Security will work with the FAA, and the FAA will work with the other agency in order to allow this pilot program to move forward. It has already been es-

tablished in Great Falls. That northern border security that we already have there and this pilot program can move forward with the UAV.

So I thank my colleague for including that language. That is the reason we filed the amendment in the first place. He already put language in the immigration bill, but we needed that language that still recognizes the FAA as controller of our air space and is probably key in this pilot program moving forward.

I urge adoption of the amendment.

Mr. BAUCUS. I ask unanimous consent that Senators CRAIG and COLEMAN also be cosponsors of this amendment.

The PRESIDING OFFICER. Without objection. Is there further debate?

Mr. GREGG. Mr. President, the unmanned aerial vehicle program is something the subcommittee is supportive of. This concept of having one on the northern border is something we also support. The Senators have a good amendment. I think the addition of language on the FAA makes it an operable amendment. If FAA were not engaged, it would not be an operable amendment. It merges well with the initiative in the bill which is to stand up the northern airway, which initiative Senators BURNS, DORGAN, CONRAD, and BAUCUS asked be started. This bill funds two aircraft out of North Dakota to make sure that we have manned aircraft on the border.

So this is an attempt to tool up the northern border. It is something that is going to take a lot more work. Certainly in the long run there is going to have to be more than one unmanned vehicle on the northern border. There will have to be quite a few.

As was mentioned by Senator BAUCUS, the northern border appears to have a high risk of terrorists coming across it. We know numerous instances now of the northern border being used for potential terrorist crossings. Therefore, we cannot ignore that border; we are not ignoring the border. But the issues there are a lot different than the southern border because of the length of the border. In fact, it is heavily wooded wilderness and difficult terrain to surveil. So I believe these unmanned vehicles will be critical in the long run.

I congratulate the Senators for bringing this amendment forward. I ask unanimous consent that the amendment be accepted.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 4621), as modified, was agreed to.

Mr. GREGG. Mr. President, we await further amendments. The Senator from Illinois wishes to speak as in morning business.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

Mr. DURBIN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. GREGG. Mr. President, it is my understanding that the Senator from New York is going to offer an amendment at this time. I ask unanimous consent that the time between now and 5 o'clock be divided as follows: The Senator from New York have 40 minutes and that I have 15 minutes in opposition. I think that adds up to the right time—actually, now, it doesn't—that I have 20 minutes in opposition. Whatever is left after 40 minutes, that is what I have in opposition, and at 5 o'clock we proceed to a vote on the amendment of the Senator.

There will be 40 minutes for the Senator from New York, 20 minutes will be reserved to myself, and at the conclusion of that time we will proceed to a vote, or earlier should the time be yielded back on the time of the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 4576

Mrs. CLINTON. Mr. President, I call up amendment No. 4576 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. SCHUMER, Ms. MIKULSKI, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. OBAMA, and Mr. AKAKA, proposes an amendment numbered 4576.

Mrs. CLINTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore funding to States and local governments for terrorism prevention activities in the Homeland Security Grant Program to fiscal year 2005 levels)

On page 91, line 6, strike "\$2,393,500,000" and insert "\$3,183,500,000, of which \$790,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234".

On page 91, line 8, strike "\$500,000,000" and insert "\$1,100,000,000".

On page 91, line 9, strike "\$350,000,000" and insert "\$400,000,000".

On page 91, line 22, strike "\$1,172,000,000" and insert "\$1,312,000,000".

On page 92, line 1, strike "\$745,000,000" and insert "\$885,000,000".

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senators OBAMA and AKAKA be added as original cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, nearly 5 years ago, as we all remember, on September 11, 2001, terrorists murdered 2,819 Americans, including 2,752 in New York; 343 firefighters and paramedics and 608 police officers lost their lives. It was the single deadliest attack on American soil in our history.

We are here debating how much money our country is ready, willing, and able to spend to protect our homeland. What is clear, what has been clear, is that the threat posed by terrorism requires a great mobilization of American might, muscle, resources, and ingenuity. I do not believe that mobilization has yet occurred.

Just in last December, the 9/11 Commission, a bipartisan commission, reported that we should get failing grades for how we are responding to the challenges of homeland security. Governor Tim Kaine said when it comes to protecting America, it is not a priority for the Government right now. The urgency may have faded, but the threat has not. We only need to look at the news and see what happened in Mumbai, India, yesterday to be reminded that terrorists strike anywhere, at any time, at innocent people.

There are many problems with the strategy, or lack thereof, that we have been pursuing on behalf of homeland security. I regret that we have not done more, we have not had a comprehensive strategy, we have not put the money to work in smart, effective ways, and we have witnessed dangerous incompetence with respect to the failed response to Hurricanes Katrina and Rita. We have gotten a lot of tough talk, but I would take tough action anytime. We got a lot of rhetoric, but I would take resources. We have had campaign slogans, but I would rather have real security.

What has been the No. 1 recommendation by every independent group, every expert who has analyzed the threats we face and the challenges

we confront when it comes to homeland security? Threat-based funding, that was one of the key recommendations of the 9/11 Commission. Sadly, all too often funding decisions have been based on politics as usual.

I have been championing threat-based funding ever since 9/11. I introduced the Homeland Security block grant bill as well as the Domestic Defense Fund Act, both of which provided direct and threat-based homeland security funding to our communities and our first responders. I have personally made the case for threat-based funding to Secretary Chertoff and Secretary Ridge before him. Even funds supposedly distributed based on risk have been administered incompetently. We just saw an inspector general's report from the Department of Homeland Security listing all of the alleged threats around the country. With all due respect, you can read that list and it just causes your head to shake in bewilderment.

In May, the Department of Homeland Security announced its 2006 Homeland Security grants. Cities and States facing high terrorist threats suffered considerable funding cuts, a decision that can be largely attributed to a series of highly questionable risk assessments. New York City and Washington, DC, remain at the top of any intelligence that we get with respect to threats. Yet they were given drastic reductions. Funding under the Urban Area Security Initiative alone was slashed in New York City by more than 40 percent, and in Washington, DC, by 43 percent. New York State has been struggling since 9/11 to come up with a comprehensive State plan and has been trying to scrape together funds for what are shortfalls from the Federal Government.

Today, I am joining my colleague, Senator MIKULSKI, and my partner, Senator SCHUMER, in introducing an amendment to the fiscal year 2007 Homeland Security appropriations bill to restore the Homeland Security Grant Program funding. This amendment provides an additional \$790 million in Homeland Security funds so that next year's levels of funding will match those of 2005. That is all this asks for—bring back the funding to what it was 2 years ago.

We have already heard eloquent statements on the floor about port security. We have already heard about how difficult it is to get the kind of inspections and screenings we need at our ports. That is why I cosponsored Senator BYRD's port security amendment, and I am delighted that it actually passed by unanimous consent. I only hope that we will fight for that when this goes to conference and that the administration will listen and support this extra funding for port security.

We are still fighting for border security. We know that we have not done enough. We have had weeks of debates about immigration that are really

about border security. What are we going to do to keep our borders secure? Not enough. Under this administration, despite the 9/11 attacks, our borders have become less secure.

According to a May 2006 report by the nonpartisan Congressional Research Service, the U.S. Border Patrol grew at a faster rate and apprehended more undocumented immigrants each year under President Clinton than it has under President Bush. We have the technology and the tools. Americans are certainly telling us they want us to make our borders secure. So let's get serious. Let's employ new surveillance equipment, like detection centers, unmanned ground and infrared cameras. Let's enlist and deploy the manpower we need.

We just voted on, unfortunately unsuccessfully, putting more money into securing our mass transit systems: our roads, our rails, our tunnels. We know how important that is. I cosponsored Senator BIDEN's rail security amendment which would have provided an additional \$1.1 billion to enhance rail security, upgrade tunnels, provide for more Amtrak police. But it failed.

Today I am joining Senator SCHUMER to submit an amendment to provide an additional \$300 million for transit security nationwide. I hope it succeeds. Anybody who rides mass transit should know we are doing everything we possibly can to take care of and eliminate the vulnerabilities that our mass transit systems have.

Beyond our financial investments, we also need new strategies and creative ideas. We have been talking about an interoperable communications system since 9/11. The 9/11 Commission recognized the essential critical nature of such a system. But year after year we don't do it. We bring amendments to the floor, we make speeches, it doesn't happen.

In May of this year, I introduced legislation to set up a Federal interoperable communications and safety system to create a national emergency communications strategy, to make sure that when police and fire departments respond they can talk to each other; when the Federal Government sends help through the Coast Guard or the military or FEMA, they can talk to each other, and they can talk to State and local officials as well.

I have also been fighting for several years to make sure that we have a nationwide emergency 9-1-1 system so that when you call from a cell phone people will know where you are.

Can you imagine being caught in a terrorist attack or a natural disaster and calling for help and people can't hear you, can't know where you are, can't send help to you? It happens all the time.

I was at an event this morning where an emergency response director made two horrifying calls that went unanswered in one case and a late answer in another because the cell phone couldn't be tracked.

We have a lot to do. We can just stand here and list the problems. It is not just all about terrorism. Are we truly ready for a pandemic flu? Do we have adequate security at our chemical and nuclear facilities? Are we prepared for the potential of a dirty bomb attack in a major population center?

I was encouraged that legislation I authored to create a national system to track radiological materials that could be used to make a dirty bomb was finally passed. I thought: OK. Great. I can check that off my worry list, which is a pretty long list being a Senator from New York.

Then I find out that the administration announced a national plan, which was the whole idea behind tracking radiological materials. They wanted to have a State-by-State approach. In a nutshell, that is what is wrong. It is a national problem. The attacks of 9/11 may have happened in Washington, in New York, and in a field in Pennsylvania, but they were attacks on every single American, on our way of life, on our values, on our freedom. I don't think we want State-by-State responses. Do you think terrorists are going to stop at a State border or a county border? I don't.

We have to restore confidence and competence as we approach this problem of homeland security. We have made some progress but not nearly enough. Sadly, I think we have put different priorities ahead of securing our country. I regret that. I hope we make amends. I hope we get back on the right track with a comprehensive plan, with the right strategies, with the appropriations we need, and with the distribution of those taxpayer dollars in a smart and effective manner, not politics as usual.

I see on the Senate floor my colleague and friend, one of the great leaders on homeland security, the Senator from Maryland. I yield to her whatever time she needs.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much.

Mr. President, once again I rise with great pride to support the amendment offered by the Senator from New York, Mrs. CLINTON, as she has so often in the past stood for the fact that funding to fight terrorists and to be ready for any kind of major disaster should be based on risk. In other words, money should go to where there is the greatest risk. The Senator from New York has been a longstanding advocate of this from September 12 to standing here today.

I support this amendment, as I, too, have done in the past. I am so frustrated with the Department of Homeland Security. It can't get its act together. It can't get the job done. It makes poor decisions on allocation, and it is saturated with waste and fraud.

The last straw was when I opened the paper and saw that the Department of Homeland Security was slashing funds

for high-threat urban areas. The money was leaving the Capital region and New York to go to States such as Nebraska. I respect the people of Nebraska. If they are in danger, I want them protected. I don't know about the threats of Montana and Minnesota, but I sure do know about the threats in Maryland. We are part of the Capital region, the home of the President of the United States, the home of the Congress of the United States, the home of the Cabinet that runs Government, the home of the Supreme Court, and the FBI.

In the Capital region we have the Pentagon, we have the Central Intelligence Agency. In Maryland, we have three intelligence agencies gathering technical information—and they say we are not a high threat?

On September 11, we lost 60 Marylanders at the Pentagon, mostly African American, mostly who worked in the clerical positions. And we said a grateful nation would never forget. Just like the other Marylanders who died at the World Trade Center, we said a grateful nation would never forget. And the way that we are never going to forget is to make sure it doesn't happen again—to protect against attacks and, second, that we were going to do whatever we could to be able to be ready and respond to any of these attacks.

When we saw that smoke here at the Capitol that day, it just wasn't on television. I was so proud of the fact that it was Maryland first responders who were first on the scene because they work together in the Capital region. Rescue One out of Chevy Chase, MD, dashed across the Potomac to be first on site at the Pentagon. They were worried in northern Virginia because they didn't know what else would happen.

I visited that site. Again, on a bipartisan basis, I and OLYMPIA SNOWE toured the site together. We saw the rubble of the Pentagon. We saw them working to save lives. We saw how they had worked together in the Capital region. Obviously, Homeland Security, its agencies, and its database doesn't get it. They don't get it. They do not get the fact that the 9/11 Commission recognized the threats facing our urban areas and said target the resources at the areas of greatest need.

The Senate recognized the threat facing the Capital region when they worked with Senators WARNER, ALLEN, SARBANES, and myself to establish an Office of the National Capital Region so we could coordinate in the most effective way. It enabled the Capital region and also New York and other major areas to receive extra resources. However, the Department of Homeland Security that gave us the Katrina aftermath ignored Congress and ignored the Commission, and they slashed the resources for New York and the Capital region by 40 percent. They said we had gotten money. Oh. Right.

They said: Our database shows you don't deserve it. Thank God for the De-

partment of Homeland Security's IG. There they go again over there at Homeland Security. They can't get it right. Their own inspector general said the Department's ability to assess risk is seriously flawed.

Guess what. They count an insect zoo and a bourbon festival as critical infrastructure.

When you listen to the fact that an insect zoo ranks up there with the Supreme Court, doesn't that bug you?

Earlier this year, the Department of Homeland Security failed to list the Statue of Liberty and the Empire State Building.

They do not know the difference between a bourbon festival and the Statue of Liberty. They don't seem to know the difference.

This is the data that the Department of Homeland Security used to allocate the funding for Homeland Security grants.

There were in the State of Indiana over 8,000 assets listed, and in New York over 5,000. Just come with me down the Baltimore-Washington corridor as you pass these agencies that are helping people. There are the threats. We have high-threat targets because of what they do in national security, such as the National Security Agency.

We have threats of the heart, like the National Institutes of Health. Can you imagine the blow to research if something happened to NIH? Then come with me over there to Calvert Cliffs where we have a nuclear power plant, and then come up along the bay and see the U.S. Naval Academy.

How does that rank? That is Maryland. Then, of course, there is New York. We all know that New York showed up on every single list.

I commend the Senator from New York for offering this amendment. I believe that as we have organizational reform for Homeland Security, as the Collins' amendment did, and the Clinton amendment made such a strong point, we should have resource funding reform, and the heart and soul of that is the resource funding should follow risk.

The Department of Homeland Security along with FEMA should be operating on a risk-based strategy with confident professional people who have to learn the difference between an insect zoo, the Supreme Court, and the White House. If they can't get that straight and they didn't know how to build lessons, and they say: Don't worry "Brownie," you are doing a good job, there they go again. I am fed up with it.

If I could vote one more time to dissolve the Department of Homeland Security, I would. I can't quite do that. But what I can do is make sure that the right resources go to the areas with the greatest risk. Baltimore would benefit. The Capital region would benefit. New York would benefit. But it is not about money. It is about saving lives and saving people.



I want to enthusiastically support the Clinton amendment and know that we are here to try to do this, to save lives, to save communities, and to protect the United States of America. If they do not know how to be the Department of Homeland Security, let us in Congress be the ones who understand it and properly fund it.

In conclusion, I thank the Senator from New Hampshire because under his leadership the Commerce-Justice Subcommittee was the first committee to hold comprehensive hearings on terrorism. He remembers the questions and who was in charge. Obviously, you can see that the Department of Homeland Security is not.

I support the Clinton amendment and am happy to be a cosponsor.

Mrs. CLINTON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 18 minutes and 38 seconds.

Mrs. CLINTON. I yield 6 minutes to the Senator from New Jersey, to be followed by the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 6 minutes.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York for yielding time.

What the Senator is attempting to do is make sure we react appropriately to the threats we face. We talk about making sure our citizens are safe. We want to make sure they are safe from terrorist attacks around the world, but it has to be focused on protecting our homeland from yet another terrorist attack. Unfortunately, the amounts dedicated to State and local Homeland Security grants in this bill fall far short of that goal.

Senator CLINTON's amendment is crucial because it restores \$790 million that has been slashed from Homeland Security grant programs over the past 2 years. This amendment will help ensure our high-risk States and cities get what they need to protect their citizens and to defend our country.

How can we justify cutting Federal Homeland Security funds at this time? The administration has been warning us about terrorist plots targeting the passenger rail tunnels between New York and New Jersey. They have broken up another plot that targeted the Sears Tower in Chicago, areas that are under considerable risk. How do we justify cutting funds?

We are going to spend some \$500 billion on the war in Iraq and Afghanistan before this year is out. We should be making sure we protect ourselves from an attack from abroad. But how about attacks within our boundaries? Almost 3,000 people lost their lives on September 11. Nothing could have been worse than to see the consequences of that, as we did from the State of New Jersey. We could see the smoke from the towers. We could see the disappearing World Trade Center facilities.

The Clinton amendment restores funding for the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the urban area security initiative to the fiscal year 2005 levels.

New York and New Jersey bore the brunt of the attacks on September 11 and continue to be the most at risk. Just recently, a Lebanese citizen was taken into custody with two other individuals for plotting to bomb the PATH railway tunnels under the Hudson River that connect New Jersey and New York.

We have seen terror strikes all over the world. Just yesterday, bombs went off on 7 different trains during rush hour in India, killing 160 people and wounding over 460. We do not yet know who is responsible for that atrocity, but coming on the heels of the London and Madrid transit system bombings and the two attacks on the World Trade Center, it is clear that terrorists strike in places that are vulnerable, where they can maximize the number of innocent civilians who will be killed or wounded.

The FBI has identified the 2-mile strip between the Port of Newark and the Newark Liberty International Airport in New Jersey as the most at risk area in the entire Nation for a terrorist attack. Yet my State's Homeland Security funding was cut by \$4.6 million when the fiscal year 2006 grants were allocated. And New Jersey got off relatively well, with an 8 percent cut, compared to New York, which lost 37 percent of its funds, or Texas, which lost 31 percent of its funds.

Are we truly protecting our citizens if we keep cutting homeland security funding? No, we are not. Have we already won the war on terror? Has the mission been accomplished?

We are fighting terrorists in Afghanistan and Iraq. We want to make sure our troops on the front lines there have everything they need to do the job. But the other front line is the home front line. We have to make sure our States and our cities and particularly those places most at risk have everything they need to do the job.

What are our priorities in the Senate? Reducing inheritance tax for multimillionaires or providing our communities with Homeland Security funds? This is the choice we face on this amendment.

We may disagree on whether it is appropriate to have nonrisk-based formulas apply to Homeland Security grants, but we can all agree that cutting overall funding year after year is not making anyone safer.

I urge my colleagues to support Senator CLINTON's amendment. I proudly support it. We desperately need this restoration of funding for homeland security. I urge my colleagues to support this amendment.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I am pleased to speak on behalf of this amendment to strengthen our home-

land security efforts—specifically the ability of first responders to prevent, prepare for, respond to, and recover from terrorist attacks or catastrophic natural disasters. I commend my colleagues, Senators CLINTON, SCHUMER and MIKULSKI, for authoring this critical amendment and am proud to join them as a cosponsor.

September 11, 2001, changed our lives forever. We face new and dangerous threats from our enemies that we must be prepared to deal with. Furthermore, the Federal response to Hurricane Katrina proved beyond a shadow of a doubt that we are still a nation unprepared for catastrophe. We know our first responders lack the training, equipment, and frequently the manpower they need to do their jobs. Most don't even have the basic capability to communicate with one another across jurisdictional and service lines, and Hurricane Katrina demonstrated that sometimes during a major catastrophe they can't communicate at all.

Yet the Bush administration seems to have turned its back on the lessons of September 11, 2001, and of August 29, 2005, the day Hurricane Katrina made landfall. The President's budget proposal did nothing to indicate otherwise. That proposal eliminates a number of first responder programs and cuts others, leaving those on the frontlines of the war against terror or on the frontlines of a hurricane, struggling to make do with less. It was the latest chapter in an ongoing assault on these vital programs: this is the third straight year the administration has sought dramatic cuts in first responder funding, down from \$3.95 billion in fiscal year 2004 to just \$1.97 billion in this year's request.

The appropriators have done what they could to restore the worst of the proposed administration cuts, but their bill still leaves some programs below current levels. We simply cannot continue to shrink these accounts that form the backbone of our homeland defense. This amendment calls a halt to this dangerous slide. It would provide \$790 million to restore the key first responder accounts to fiscal year 2005 levels. Specifically, the amendment would: Add \$600 million for the State Homeland Security Grant Program, SHSGP, the fundamental building block of States' homeland security efforts, to bring it to \$1.1 billion; add \$50 million for the Law Enforcement Terrorism Prevention Program, LETPP, to restore it to \$400 million. This program helps empower our first responders to prevent terrorist attacks, not simply respond after the fact. Add \$140 million for the urban areas security initiative, UASI, to restore the program to the FY 2005 total of \$885 million. This program targets additional resources to urban centers that bear particular risk of terrorist attacks.

Frankly, we can and should do more. Interoperability—the ability for our first responders to talk to each other—is an urgent need and one that will cost

far more than even this amendment will provide. In 1993, an expert task force chaired by our former colleague Senator Warren Rudman concluded that the Nation needed to invest nearly \$100 billion more in equipping and training our first responders. Instead of heeding that call, this administration has instead led us down a path of shrinking resources for first responder programs. This amendment would be an important step to reverse the erosion of these critical accounts.

Our enemies are ruthless and choose their own battlefields in the communities where we live and work. Nature, too, can be ruthless and will strike in unpredictable ways year after year. We must have first responders who are trained and equipped not just to prepare for and respond to catastrophes but to work to prevent them, as well.

We worked with a real sense of urgency after September 11, 2001, to secure our nation. We must summon that same sense of urgency now to close the security gaps that remain. I wish there was a cheap way to do that. But there isn't. It takes money—more money than the administration's budget offers and more money than this appropriations bill currently provides. I urge my colleagues to support this amendment so that we can make additional headway toward our goal of being better able to prevent, prepare for, respond to, and recover from the terrorist attacks and natural disasters that are sure to come.

Mrs. CLINTON. How much time remains?

The PRESIDING OFFICER. The Senator has 12 minutes and 53 seconds.

Mrs. CLINTON. I yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 4587

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I call up my amendment No. 4587.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mrs. BOXER, proposes an amendment numbered 4587.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated for transit security grants by \$300,000,000)

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,693,500,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$1,472,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$450,000,000”.

On page 92, line 16, insert “: *Provided*, That not less than \$50,000,000 shall be made available for grants for transit and intercity passenger rail security research and development: *Provided further*, That not less than \$50,000,000 shall be made available for grants for overtime compensation in high threat areas” after “transit security grants: *Provided further*, That the amount provided under this subparagraph is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234” after “security grants”.

Mr. SCHUMER. Mr. President, I am proud to join with my colleagues from New York and New Jersey. We are doing three amendments together. One, Senator CLINTON's amendment, increases the threat money. The second, the amendment of Senator MENENDEZ, which I believe will be offered within the hour or shortly thereafter, will change the wording in the formula. My amendment increases money for transit homeland Security by \$300 million. All of these amendments are important to our New York-New Jersey area.

We have seen, in the last few months, two things. First, the New York-New Jersey area, of course, continues to be, unfortunately, a target of choice. When terrorists talk about creating devastation to our homeland, unfortunately, New York comes first to their minds. It means that our city has to be extra vigilant. Our State has to be extra vigilant. Our friends across the river have to be extra vigilant.

Frankly, while there are threats everywhere, New York has to be more vigilant than anywhere else. Yet in a deep disappointment that still wounds us, the Homeland Security Department dramatically cut back on our funding.

The amendment Senator CLINTON is offering with which I am proud to be her partner, along with Senator MENENDEZ and Senator MIKULSKI, basically increases the overall pot because we have two problems. The pie is not large enough, and the way the pie is distributed, maldistributes the money. Senator MENENDEZ' amendment deals with how the money is distributed.

It is an outrage that the Secretary of Homeland Security, who promised Congress before he was nominated that he would be fair to New York, has cut back so dramatically. He has used the most foolish of formulas. He had a peer review process. I have great respect for the sheriff of a small town in the Rocky Mountain States, but in all due respect to that sheriff, he should not be the judge of how New York needs money.

Today we saw the list of terrorist sites. It reaches the point of absurdity. The Old McDonald Petting Zoo is a target for terrorists. I have been to petting zoos when I was a kid. I took my children to petting zoos, but I never saw a terrorist hiding behind one of the sheep in Little Bo' Peep's flock. Then they have the Amish Popcorn Factory as a terrorist site.

Why did this happen? It is because of the careless and sloppy attitude at

Homeland Security that reflected itself in the formula by which our city and our State were dramatically cut.

The amendments we are talking about would both increase the size of the pie desperately needed when we know the war on terror is real and the threat to our homeland is not subsiding. It is desperately needed because we are one Nation. Just as the mayor of New York City is not on some peer review panel to determine whether New York City should get corn subsidies, the small town officials, who are very good people in defending their city, are not the folks to determine how much New York needs and where it needs it. We will be having other amendments later that deal with some of the specific issues.

My amendment is the third leg of this stool. New York has been targeted repeatedly, whether it is releasing cyanide on a New York City subway car or trying to blow up the PATH that Senator LAUTENBERG talked about that brings millions of commuters during the course of each year across the river from New Jersey to New York.

The terrorists know what we are doing. The Internet allows them to know it. They look for our weakest pressure point.

We have done virtually nothing on rail security. Nothing. We spend a couple of pennies for each mass transit rider while we spend \$7 or \$8 on each person who flies. And I am glad we spend the \$7 or \$8 on the people who fly. But mark my words, the terrorists know if air travel is pretty well protected they will look somewhere else.

The most logical place they look, unfortunately, is to the rails, where millions of people are in unguarded entrances, coming together. We saw it in Madrid. We saw it in London. Unfortunately, once again, we saw it in Mumbai yesterday. We will see it again. I wish that were not true. God forbid, but it will happen.

This is a modest amendment. My colleague, Senator BIDEN, asked for a large amount of money. This is just \$300 million, but it will go a long way. Right now we only spend \$150 million. What we would do in our amendment is double, add \$200 million, grants on rail security, the personnel, the dogs. Talk to terrorist experts. They say dogs that can smell explosives or biological or chemical weapons are the best anecdote. This would pay for things like that.

We also put aside \$50 million to develop detection devices. Technology allowed terrorism to occur. Technology can protect us. But we are not availing ourselves of that technology. One of the things I have been pushing for for years is the money to develop a detection device, much like a smoke detector, that could sit on the ceiling of a subway car or in the entrance of a railroad station. When someone came by with a great deal of explosives or biological or chemical or nuclear material on their bodies, it would go “beep,

beep, beep," and the police would be able to make an arrest before damage was done.

This amendment sets aside a modest \$50 million to begin that research.

Finally, the amendment provides \$50 million for overtime reimbursement. Every time we hear of a threat in a different part of the world, the New York City police department must put men and women on overtime to guard the subways and the dog squads and everyone else. This is a Federal responsibility.

The bottom line is, the soft underbelly of subways, buses, and tunnels are highly vulnerable to the kinds of terrorist attacks we have seen in London and Madrid and Mumbai. Unless we take real steps to beef up mass transit security immediately, the bottom line is, we spend more than \$7 per airline passenger on air security but little more than a penny per mass transit rider.

In the wake of these most recent threats and yesterday's tragic attacks in India, we need to be doing a lot more to even the score. This week, we have increased funding for border security and port security. I ask my colleagues to do the same for rail systems. I will ask for the yeas and nays on this amendment at an appropriate time.

I yield back the remainder of my time to my friend and colleague from New York.

Mr. MENENDEZ. Mr. President, I rise in strong support of the amendment offered by my friend and colleague from New York. Sadly, today is an all too appropriate day to be offering an amendment to increase transit funding. Yesterday, the savage bombing of eight commuter trains in Mumbai—densely packed during the evening rush hour by people just trying to make their way home—showed once again that terrorists find public transportation to be an extremely attractive target. Currently, the Indian government reports that over 200 people died in the blasts, and the death toll is rising. And so our thoughts and prayers are with the people of Mumbai, and our minds should be riveted back here in the United States.

Two years ago, we saw tragic bombings in Madrid; last year, in London; yesterday, Mumbai. Each of these should have served as a wake-up call to this country, a call to action for Congress to act to secure the over 14 million Americans who use public transportation to get to work each day. The recently disclosed plot against the tunnels under the Hudson River highlights the need for action. One of the targets was the PATH subway tunnel that carries over two hundred thousand people a day back and forth between New York and New Jersey. And yet, we continue to spend a virtual pittance on transit security. The Federal Government spends about \$9 on security for each airline passenger, but only about 1 cent for each bus or train rider. While we need to secure our airways, we also

need to secure our streets, our rails, and our subways.

According to the American Public Transportation Association, our Nation's transit systems need over \$5 billion in capital equipment and \$800 million per year in annual operating expenses in order to adequately meet security needs. One hundred and fifty million dollars a year is not going to get us there. The Schumer/Menendez amendment provides \$300 million—not the entire amount we need but a crucial increase over what we are currently providing. In addition to adding \$200 million for additional transit security grants, the amendment also provides money for research into new security technologies for transit and intercity rail. We all know that airport-style screening of everyone boarding a train isn't going to work. But that doesn't mean we can simply give up. New technologies offer the promise of being able to detect explosives and chemical weapons far quicker and less obtrusively than we do now, but we need to put the money into researching those technologies. This amendment will do that. This amendment also provides money to help local law enforcement authorities out with overtime when their region is declared to be a high threat area, which is sorely needed in high-risk areas such as the New York and New Jersey metropolitan region.

I never want to be standing here and discussing an attack that happened a day earlier on an American subway system, on American trains, or on American buses. It is bad enough that I have to stand here today and discuss yesterday's tragic events in India. But this is one more wake-up call to a Congress that has continued to hit the snooze button when it comes to transit security. I want my colleagues to ask themselves what they would be willing to do, what commitment they would be willing to make, if yesterday's news had been about trains in New York, Chicago, Los Angeles, Atlanta, Denver, Houston, Buffalo, or any other American city. Well, we don't need to wait for an attack on American soil. We can make that commitment now, we can provide the resources now so we don't look back some day and ask ourselves, "Why didn't we do then what we need to do today?" And we should ask ourselves now, "How much more would we be willing to spend after the fact?" It is far more expensive to respond to an attack than to try to prevent one. The Schumer/Menendez amendment is not the final step, but it is a necessary step, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to set aside my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4576

Mrs. CLINTON. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Three minutes 12 seconds.

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senator BOXER be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I think this debate must be very confusing to people around our country who might be tuning in or sitting in the galleries because we should be spending an appropriate amount of money, not wasting it. We should have it focused. We should not be thinking of funding places and institutions like those referred to by both Senators SCHUMER and MIKULSKI. And I think it is bewildering for us even on the floor.

It has been so difficult to get a straight story out of the Department of Homeland Security, to get any kind of clear sense of what the strategy is. What is it we have to do to make a case based on threats and risks? And why is money being cut from the places that are at the top of the terrorists' hit list?

I do not have an explanation. The closest I can come is that we have other priorities in this Congress and on the other end of Pennsylvania Avenue. We would rather spend money on tax cuts for the wealthiest among us. I just do not get it.

But we have a chance to send a very clear message with this amendment, to say: Look, there is not anything more important. Let's do it right. Let's require the highest level of competence from this administration and particularly the Department of Homeland Security. Let's not spend money wastefully, but let's spend money where we know it will give us the best results to protect our country.

I make a special plea on behalf of New York. We have spent billions of dollars in New York City and New York State. It is not like we have been waiting around. We have created a 1,000-person intelligence unit with the NYPD, with detectives all over the country. We have spent a lot of money beefing up the personnel and putting in equipment. But we need help. We cannot take a 40-percent cut and protect everything that needs to be protected in New York City—from the mass transit system, to the Statute of liberty, to the United Nations, to the ports, to bridges, to the tunnels; you name it.

So I hope we will have a bipartisan vote in favor of going back to the amount of money we spent in 2005, and making sure we spend it in accordance with threat and risk.

Mr. President, I ask for the yeas and nays on amendment No. 4576, and yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back her time.

Is there a sufficient second for the yeas and nays?

There appears to be a sufficient second.

Mr. GREGG. This is on the Clinton amendment?

The PRESIDING OFFICER. On the Clinton amendment.

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire controls 20 minutes.

Who yields time?

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, let me begin by saying that when I read the article that was in the paper about the decision to basically transfer a significant amount of dollars from New York and Washington, I was surprised and quite shocked. I said to myself: That doesn't make a whole lot of sense. Because I think most of us understand that New York, Washington, Los Angeles, Chicago, and a couple of other spots which are probably better not to mention, are truly the No. 1 targets. Certainly, New York is at the top of every list, as is the city of Washington. So I thought: Why are we doing that? Or why was the Department doing that? They did not advise us, obviously.

I looked into it, and they have a peer-review process for the application of these funds. All these funds go out under a threat-based concept. This has been the insistence of this committee. There are funds that do go out under the formula. I do not happen to be a big fan of the formula. It is not a lot of funds compared to the entire block of funds. But the vast majority of the funds flow out on the basis of threat-based decisions.

Now, what happened was, of the 46 cities that were in competition for these funds, New York came in 44th and the District of Columbia came in 42nd in evaluation of their proposals. And their proposals, in fact, were just plain poorly written; not only poorly written, they were poorly structured, and they did not have behind them the backup that was necessary to make them viable proposals.

In that context, the decision was made to take these funds and move them over to other applicants who had put in better proposals. I guess if I had been managing the Department, what I would have said is: Listen, we know that Washington and New York are the primary targets. We also know these proposals, as they came forward, were just not very good proposals and really did not accomplish the goals we are seeking in the issue of addressing threat and effectiveness. And effectiveness should be part of this. We should not take effectiveness out because there is no point sending money out if we are not going to get results for it.

Probably, if I had been in charge, had the magic wand, I would have said, es-

crow this money until we can work with these two cities, and regions in the case of New York and Washington, and get the plans in order. But that is not the decision that was made. The decision was made to move the dollars to other locales. So there are equities, in my opinion, in the arguments made by the Senators from New York and the Senators from Maryland and New Jersey. And the equities are strong enough that we actually put language in our report that requests that the Department place a higher priority on risk and that they focus on dealing with this type of a situation. And I am certainly expecting it will not happen again the way it happened this year.

But that is not the essence of this amendment. The essence of this amendment offered by the Senator from New York is to increase funding above our allocation—I guess it claims it as an emergency—and to basically put additional dollars on the table for the purposes of these types of threat-based grants.

Now, I think it is important to understand that since we started this program we have put \$14.6 billion into the pipeline to try to assist the cities and areas of highest risk, and that in this bill we have \$2.4 billion to accomplish that. That is a lot of money. And of that money, only \$6.1 billion has actually been taken down. In other words, there is still literally close to \$9 billion when you consider this year of money available to address these issues. And to put another big chunk of money on top of that, really, I do not think is going to improve the situation from the standpoint of what New York and Washington are concerned about, because I think there is enough money in the pipeline to accomplish much of what they desire.

The right way to correct this problem relative to New York and Washington is to have the Department understand these are the priority sites, and that if the proposals coming in from these two regions are not of a quality that give the Department confidence that the money is going to go out and be used effectively, then they should sit down with these two regions and work out the process so we do it right—escrow the money, sit down, work out the problem, figure out how the money can be used so everybody knows it is being use effectively. So that would be the way I would resolve this issue.

To simply put more money in the pipeline, when we have this much money in the pipeline, I do not think is going to resolve it. For all we know, they might still not get the money if they went through this same approval process they had this year. Hopefully, they won't. I did note comments by the mayor of New York—and I respect him for this—where he said he recognized the proposal they sent down here was not up to snuff. That is my characterization, but that is the way I read it. And he is right. It was not. But that

did not mean they should not have gotten the money. It should have meant the Department should have sat down with them and figured out how to get it right. However, that is, as they say, history.

As we have moved forward, I believe we have put in adequate language to make it clear. And certainly this floor discussion, I hope, illuminates the issue further, that we expect these two regions to receive the resources which are in the pipeline, and to receive them in a robust way, but under the condition that the various programs which they send down here have been worked through so both sides have confidence the money is going to be used effectively.

I will, however, have to make a point of order against this amendment from the Senator from New York because I do not believe the best approach at this time is to simply bust the budget, put more money in the pipeline, declaring an emergency, in order to address what was really a programmatic issue and a failure of communication, to be quite honest—a massive failure—between the city of New York and the city of Washington and the Department of Homeland Security as to how they should have handled the funds which were in the pipeline.

So when the proper time comes, I will make a point of order that this amendment busts the budget and is not an appropriate use of the emergency designation.

AMENDMENT NO. 4587

As to Senator SCHUMER's amendment, which is a follow-on to Senator BIDEN's amendment, I would just renew the comments I made under Senator BIDEN's amendment. We have again increased the funding for rail. It is not anywhere near where I would like to be able to put it, but it is an increase. But, more importantly, there is a large amount of money again in the pipeline coming through the funding for Amtrak—\$770 million, which is available for capital improvement.

On top of that, it is very interesting, if this is such a high priority, why has the discretionary money which we are sending to these major metropolitan communities been used in such a minor way to address rail security?

The average, I believe I said earlier, was like 2 percent, and in New York's case they are using 8 percent of their discretionary money for rail security. They get a huge amount of money. In fact, New York—and I think this should be mentioned for part of the Record—gets dramatically more money; even when they lost the funds in this competitive grant process, they still get, I think, about twice what any other community gets, twice what any other community in the country gets. And they deserve it, quite honestly. They are where the basic threat is. So I do not begrudge them that.

But the fact is, they get a large amount of resources, and they could take much more than 8 percent of

those resources and put them toward rail, if they wanted to. But they do not. And to simply put more money on top of this, and, thus, once again go well beyond our allocation, is a mistake and not the fiscally prudent thing to do, nor is it the best way to approach the threat in the context of the dollars which are coming from other areas and can be used to address the threat—such as the underlying Amtrak funding, such as the grants program, which is billions of dollars, and the basic funding in this bill for rail security.

So I will also make a point of order against that amendment.

I have suggested—and I suggested it to Senator BIDEN and to Senator SCHUMER—if rail really feels it needs a significant increase in resources, they could do it the same way the airlines have done it, by assessing a fee on passengers. That is how we pay for the airlines. That is how we are paying, basically, for TSA. A \$5 fee would generate, essentially, the number that Senator BIDEN wanted. About a third of that would generate the number that Senator SCHUMER feels is necessary. And that is one way they could redress their issue and still stay within the budget, if they felt it was that important a question.

AMENDMENT NO. 4576

So at this point, Mr. President, I yield back the remainder of my time, unless the Senator from New York—she used up all her time. I didn't know if the Senator wanted to respond to anything I said.

The PRESIDING OFFICER. The Senator from New York has yielded back her time.

Mr. GREGG. Does the Senator want any of my time to respond or is the Senator all set?

Mrs. CLINTON. Two minutes if I could.

Mr. GREGG. I yield the Senator 2 minutes of my time.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mrs. CLINTON. It is my understanding that a point of order has been made against my amendment.

The PRESIDING OFFICER. The point of order has not yet been made against the amendment. The Senator from New Hampshire suggested he would make a point of order but has not made such a point of order. The Chair has not heard a point of order formally put to the Chair against the amendment.

Mr. GREGG. I inform the Chair that pursuant to the deeming language of Public Law 109-234, I raise a point of order against the emergency designation of the pending amendment.

The PRESIDING OFFICER. The Chair advises the Senator, a point of order is made appropriately at the end of the debate. The Senator from New York was asking a question whether a point of order had yet been made.

Mrs. CLINTON. Mr. President, I hear a point of order that I will then respond to.

Mr. GREGG. I yield back the balance of my time, unless the Senator from New York wants 2 minutes. I renew the point of order.

Mrs. CLINTON. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—47

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Obama
Biden	Jeffords	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Kohl	Salazar
Carper	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Collins	Leahy	Snowe
Dayton	Levin	Specter
DeWine	Lieberman	Stabenow
Dodd	Lincoln	Talent
Durbin	Menendez	Talent
Feingold	Mikulski	Wyden

NAYS—53

Alexander	DeMint	Martinez
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Dorgan	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Frist	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Conrad	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

Mr. GREGG. Mr. President, I raise a point of order against the pending amendment because it would cause the bill to violate section 302(f) of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

AMENDMENT NO. 4587

Mr. GREGG. Mr. President, we now move to the Schumer amendment. At the conclusion of the debate, I reserve the right to make a point of order against the Schumer amendment.

I ask unanimous consent that there be 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized for 1 minute.

Mr. SCHUMER. Mr. President, this amendment is simple. It adds \$300 million to probably the most woefully neglected area of homeland security, and that is security on the rails, whether it be mass transit, whether it be long-term passenger rail, or freight.

We have seen in the last year that transit rails are a target of choice for terrorists. We saw it in London, we saw it in Madrid, and we saw it just yesterday, unfortunately, once again in Mumbai. Our rails are very vulnerable. We spend over \$7 per air traveler for homeland security; we spend about a penny for mass transit. And the terrorists always look for our vulnerability. Transit is vulnerable. Passenger rail is vulnerable. Freight rail is vulnerable. There are miles and miles of unguarded track and thousands of people entering unguarded entrances. If there were ever a place we needed help, this is it.

There are, obviously, things we are doing on port security. The amendment of the Senator from West Virginia increased that funding. It makes no sense, given that the rails have been the target of the last three major terrorist attacks around the world, to have a paltry \$150 million for rail security.

Mr. GREGG. Will the Senator from New York yield? I believe we had a 1-minute agreement.

Mr. SCHUMER. I thought it was 2. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 34 seconds remaining.

Mr. SCHUMER. Thirty-four seconds. In the interest of moving things along, I yield back the remainder of my time and urge an "aye" vote on this important amendment.

Mr. GREGG. Mr. President, also in the interest of moving things along, the debate in opposition to this amendment has been made relative to the Biden amendment. It is basically a "little Biden," and it is in excess of the ability of this committee to fund it at the levels being suggested.

Pursuant to the deeming language in Public Law 109-234, I raise a point of order against the emergency designation in the pending amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, pursuant to section 402 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 196 Leg.]

## YEAS—50

Akaka	Feingold	Murray
Allen	Feinstein	Nelson (FL)
Baucus	Harkin	Obama
Bayh	Inouye	Pryor
Biden	Jeffords	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Santorum
Carper	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Conrad	Leahy	Snowe
Dayton	Levin	Specter
DeWine	Lieberman	Stabenow
Dodd	Lincoln	Talent
Dorgan	Menendez	Talbot
Durbin	Mikulski	Wyden

## NAYS—50

Alexander	DeMint	Martinez
Allard	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Nelson (NE)
Bunning	Frist	Roberts
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the emergency designation is removed.

Mr. GREGG. Mr. President, I raise a point of order against the pending amendment. The amendment would cause the bill to violate section 302 of the Budget Act.

Mrs. FEINSTEIN. We can't hear, Mr. President.

The PRESIDING OFFICER. Will the Senator repeat the motion.

Mr. GREGG. I raise a point of order the amendment would cause the bill to violate section 302 of the Budget Act.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

## AMENDMENT NO. 4556

Mr. REID. I ask for the regular order with respect to the Feinstein amendment.

The PRESIDING OFFICER. The amendment is now pending.

## AMENDMENT NO. 4557

Mr. REID. I make a point of order against the Cornyn amendment. It is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mrs. FEINSTEIN. Is this the second-degree amendment?

The PRESIDING OFFICER. The second-degree amendment falls on the point of order.

The Feinstein amendment is now pending.

## AMENDMENT NO. 4556

Mr. GREGG. Mr. President, I ask the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending

amendment? Without objection, it is so ordered.

Mr. GREGG. Mr. President, the game plan now is to recognize the Senator from New Jersey to speak on his amendment. Then we will go to the Senator from Alabama to speak on amendments which he is going to offer. There will not be any more votes tonight. Those will be the only amendments offered this evening. I will formally ask unanimous consent to that point. Then tomorrow morning we hope to structure it so we begin voting around 10 or 10:30, initially on the amendment of the Senator from New Jersey and potentially, or hopefully, on the amendment of the Senator from Arizona and the Senator from Pennsylvania, which they will have a chance to debate in the morning prior to the amendments. Then, around 12 o'clock, we know we are going to have an amendment offered by the Senator from Ohio and we will go to that amendment. In the interim, there will also be an issue of the amendments of the Senator from Alabama and other amendments which people may wish to bring forward.

At this time I ask unanimous consent the Senator from New Jersey be recognized, followed by the Senator from Alabama, to offer their amendments, and that those be the only amendments offered this evening, and at the conclusion of the debate on their amendments we go to a period of morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

## AMENDMENT NO. 4634, AS MODIFIED

Mr. MENENDEZ. Mr. President, I call up amendment No. 4634, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey (Mr. MENENDEZ) proposes an amendment numbered 4634, as modified.

The amendment is as follows:

(Purpose: To provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation)

On page 127, between lines 2 and 3 insert the following:

SEC. \_\_\_\_ . Notwithstanding any other provision of this Act, appropriations under this Act may not be used for the purpose of providing—

(1) formula-based grants or law enforcement terrorism prevention grants, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable,

with no State receiving less than 0.25 percent of the funds available for each such grant program, and American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, each receiving 0.08 of the funds available for each such grant program;

(2) discretionary grants for use in high-threat, high-density urban areas, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable.

Mr. MENENDEZ. Mr. President, on July 7, just last Friday, media outlets across the Nation reported the news that the FBI had apparently foiled a plot to bomb the transit systems that connect New York and New Jersey.

The revelation of this latest plot paints a clear picture of where the terrorists intend to target their actions. Clearly, they want to strike where they can create the greatest loss of life and economic damage. Time and time again, we see that areas like New York, New Jersey, Washington State, California, Chicago, and others are high on the target lists of terrorists.

These most recent threats against New York and New Jersey are only one example of this in one key area.

Why had the terrorists chosen to attack the tunnels and rail system that connect the city of New York with the citizens of New Jersey?

Because they wanted to inflict great damage, not only to the tunnels and the trains and the people on them, not only to the city of New York and the citizens of New Jersey, not only to the metropolitan area that encompasses New York, New Jersey, and Connecticut—no, the terrorists chose to plan their attack on the New York-New Jersey transit system because they wanted to inflict great damage on the entire country.

More than 100,000 people use the Holland Tunnel everyday. More than 200,000 people ride the PATH trains every day.

Mr. President, 18.7 million people live in the New York/New Jersey metropolitan area, nearly 6.5 million of whom come from New Jersey. New York is home to the financial heart of our country, with key financial institutions housed right across the river in New Jersey. Imagine what would happen to the Nation, not just New York or New Jersey, if these financial institutions were shut down.

The port in New Jersey, the largest container seaport on the east coast, the third largest in the Nation, handled more than \$132 billion in goods in 2005 and creates over 200,000 jobs. Imagine what would happen to the Nation, not just New York or New Jersey, if commerce were shut down in this port.

The greatest "zone of vulnerability" in the U.S. is in South Kearney, NJ, where 12 million people live in proximity to a chlorine chemical plant. An explosion at the facility would endanger the life and health of people caught in the path of the prevailing winds to that great extent.



The FBI has placed more than a dozen New Jersey sites on the "National Critical Infrastructure List" and has called the area between Port Elizabeth and Newark International Airport the "most dangerous two miles in the United States when it comes to terrorism." An article in the New York Times pointed out that this 2-mile area provides "a convenient way to cripple the economy by disrupting major portions of the country's rail lines, oil storage tanks and refineries, pipelines, air traffic, communications networks and highway system." Imagine what would happen to the Nation, not just New York and New Jersey, if the most dangerous 2 miles in America was attacked.

Clearly, as we saw last Friday, the terrorists can imagine exactly what would happen if they attacked New York and New Jersey.

If the terrorists understand that New York and New Jersey are targets, why can't the Department of Homeland Security?

The recent inspector general report on Homeland Security's National Database shows that we have it wrong. Certainly the Department of Homeland Security has it wrong, once again.

According to a recent article by the New York Times, the report "reads like a tally of terrorist targets that a child might have written: Old MacDonald's Petting Zoo, the Amish Country Popcorn factory, the Mule Day Parade."

The inspector general found that the list included items "whose criticality is not readily apparent" but are still included in the Federal antiterrorism database and that "the presence of large numbers of out-of-place assets taints the credibility of the data."

The fact that this database is being used to help determine risk-based funding simply makes no sense.

The bottom-line is that States and municipalities across the country that actually are under the greatest risk should receive the greatest number of homeland security dollars based on that risk. I cannot understand why the Department of Homeland Security would not use a truly risk-based formula when awarding their grants.

That is why I am offering the Menendez-Lautenberg amendment today. The amendment states that no funds in this bill should go to homeland security grants unless they are based on an "assessment of threat, vulnerability, and consequence, to the maximum extent practicable." Not exclusively, but "to the maximum extent possible."

The amendment also allows, in specific cases, for each State to receive a minimum of .25 percent of the grants. Let me be clear; while I would prefer to give all funds based on risk, I believe that this compromise which makes this amendment different than previous amendments based on risk, will allow more support for this amendment.

It also moves in the direction of where the White House has said they

want to see us go on the question of homeland security funds. This is also the same minimum percentage included in the House legislation recently endorsed by the former Chairman and former Vice Chairman of the 9/11 Commission.

I certainly hope with this minimum percentage guarantee that our Senate delegation will be able to support this amendment.

Since we only have a finite amount of money, this is not a place where revenue sharing should be the policy. Just as Senators from agricultural areas of the country call on those of us who may not have much agriculture for our support, just as the Senators from ravaged flood areas call on us for our support, just as Senators from areas hit by hurricanes call on us for our support, those of us who come from high-target areas across the country call on the rest of the Senate for equal treatment when it comes to risk-based funding.

Many of us in the Senate have been fighting for risk-based funding for years. I know Senators LAUTENBERG, CLINTON, SCHUMER, and others have led the fight in the Senate. I know our senior Senator from New Jersey has been a leader over and over again. We are thankful to him for his leadership. I fought for risk-based funding as a former Member of the House of Representatives. I included risk-based funding in the Menendez substitute to the intelligence reform bill in 2004 which was, unfortunately, voted down by my Republican colleagues. I fought for risk-based funding in the conference report on that legislation. I continued to fight for risk-based funding when I introduced the risk-based Homeland Security Funding Act in the House, which Senator LAUTENBERG also introduced in the Senate. Most recently here in the Senate, we have introduced legislation to make sure we fully and finally implement the recommendations of the 9/11 Commission, which includes risk-based funding. But today we are here to fight the next round of this battle.

I am proud to have Senators LAUTENBERG, CLINTON, and SCHUMER as cosponsors of this amendment.

It is important when we talk about homeland security. We have seen the votes on a host of these funding issues. You can't have the administration talking tough on homeland security and then acting weak. Cutting funds to homeland security grants simply makes no sense.

For those from New York and New Jersey and from other parts of the country—Pennsylvania or Washington, DC—for those from those areas where loved ones were killed on September 11 of 2001, this is not an abstract policy discussion. This is not an abstract policy discussion for us. This is personal. Over 700 people from the State of New Jersey were killed. My former congressional district looks directly at the site where the Twin Towers once stood. In New York and New Jersey, we still live

with the aftermath of these attacks on a daily basis. Just today, we learned in a Quinnipiac poll that 77 percent of New Jerseyans expect a terrorist attack in the United States in the next 6 months.

The No. 1 role of our Government is to keep us safe. That is what Americans expect. That is what the people of New Jersey have been saying to me all along. They believe—and we can see from the nature of these revelations of the plots—they are going to be attacked, and they need the Government to meet its No. 1 responsibility to them; that is, to keep them safe.

How can we keep them safe if we allow the funding for homeland security grants to be underfunded? How can we keep them safe if we aren't making sure that the places at greatest risk of attack get the most money to protect against those attacks? And how can we come to a conclusion that we don't assign—even with this compromise amendment which still provides 2.5 to all of the States but still takes the majority of that money to where the greatest risks are, how do we not hold the view that this is one country and these attacks, in fact, would affect the entire Nation?

The Senate has both an obligation and a moral responsibility to protect the people of the United States. The only way to do that is to take all possible steps to prevent terrorist attacks.

One of the critical ways is to follow the 9/11 Commission's report, a unanimous and bipartisan conclusion that homeland security funding should be based strictly on risk. We have taken that as a foundation, amended it somewhat to create, hopefully, a greater groundswell of support but still with the fundamental principle that ultimately the majority of our homeland security funding should go to where the greatest risks in our country are and the greatest risk that ultimately would affect the Nation in its commerce, in its security, and in its ability to sustain itself.

That is why I urge my colleagues to support the Menendez amendment.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. MENENDEZ. I would be happy to yield to the distinguished chairman.

Mr. GREGG. I am intrigued by the amendment. We have worked very hard on the committee to have a threat-based funding formula, so that is my goal. I have no problem with the reduction to 2.5 even though it would prejudice my own State. But my view is that the target should be where the funding goes.

I just wanted to be sure that when the Senator uses those terms of art here, that it is not his intention to undermine the capacity of peer review groups to look at the issue. The Senator used the term "unless all such grants are allocated based on threat, vulnerability, and consequence to the maximum extent practical," which seem to be pretty good words of art.

For the record, I would like to make it clear that the Senator is not trying to adjust the peer review process which looks at threat and effectiveness of the plan. Is that correct?

Mr. MENENDEZ. That is correct. We are silent on effectiveness because we think effectiveness is very important as part of that equation.

Mr. GREGG. In light of that, I probably will support the amendment, although I suspect there are others who will oppose the reduction of 2.5. In any event, I think the amendment is a good amendment.

Mr. MENENDEZ. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first I commend my colleague, Senator MENENDEZ, for his persistence on this issue. We both come from the northern part of the State of New Jersey, which is the most dense portion of the most densely populated State in the country.

Seven hundred of our fellow New Jerseyans lost their lives on September 11, 2001. It would be hard to find people whose lives were not touched by the events of that day—whether immediate neighbors, friends, family, all of us knew someone who was killed or injured on that fateful day. From our part of New Jersey, you could see the smoke rising from the World Trade Center where many of our friends, neighbors, and loved ones worked.

The New York-New Jersey region bore the brunt of the attack on 9/11, and to this day it remains the area of our country that is most at risk of another attack. We were reminded of this just last week when authorities disrupted a plot by eight terrorists to blow up commuter train tunnels connecting New Jersey and New York. Each day, nearly 200,000 people travel through these tunnels.

Since we don't have unlimited resources for homeland security, homeland security must be targeted to those parts of the country most at risk of another terrorist attack. But that isn't currently the case. Why? Because this Congress is treating homeland security funding as just another pork project rather than sending the resources based solely on risk, as has been recommended by the 9/11 Commission. And in section 25:

Homeland security assistance should be based strictly on assessments of risks and vulnerabilities.

[Federal homeland security assistance should not remain a program for general revenue sharing.

This is by the authors of this Commission report which was adopted wholeheartedly in this place.

Because each State gets a minimum guarantee of funding regardless of risk or population density, we take resources from States known as major terrorist targets and give them to low-risk areas.

Politics rears its ugly head.

I saw the prevailing view on the Homeland Security Committee on which I sit—the committee of jurisdiction. I called the attention of the committee to the report of the 9/11 Commission very specifically and asked the committee to endorse fully the risk-based distribution mechanisms for funding. Perhaps my argument wasn't persuasive, but the vote was 15 to 1 against it, solely basing this distribution of grants on risk. It was painful for me to see that.

I want to give you an example. In fiscal year 2006, New Jersey received \$1.92 per capita spending for State homeland security and law enforcement terrorism prevention grants. Wyoming received \$14.73. New Jersey, the most densely populated State in the country, received \$1.92 in per capita spending; and Wyoming—a beautiful State, though I think it is fair to say that their risk of a terrorist attack is substantially different or not even this in terms of what terrorist planning is typically doing—Wyoming, \$14.73. Are the people of Wyoming seven times more likely to be the victims of a terrorist attack than the people of New Jersey? I don't think so.

The FBI has identified the 2-mile strip between the Port of New York and Newark-Liberty International Airport in New Jersey as the most inviting target in the entire Nation for a terrorist attack because of the huge amount of damage that could be inflicted. It is believed—this isn't secret, it has been published many times in many places—it is believed that a terrorist attack in this area could kill or injure more than 10 million people because of the density of population there and the presence of so many chemical facilities.

The way we fund homeland security flies in the face of the 9/11 Commission recommendations. We see it on this placard. It is a stark reminder of what we ought to be doing and how much it differs from what we are arguing.

Today, nearly 5 years after 9/11, nearly 40 percent of the State Homeland Security Grant Program is given out as "general revenue sharing" to each and every State and territory regardless of the danger they face from terrorism. The system is broken. We have to fix it. I have been trying to reform this grant program for several years.

In February 2005, I introduced a bill called the Risk-Based Homeland Security Funding Act, which would require that all homeland security grants be based strictly on risk, threat, and vulnerability. My colleague, Senator MENENDEZ, did similarly when he was a Member of the House of Representatives. The amendment offered by my colleague today moves us in that direction. That is why I so strongly support it.

Under the Menendez-Lautenberg amendment, the Senate minimums will be reduced from .75 percent of Homeland Security funding to .25 percent.

That lower amount, .25 percent, is the same as the allocation President Bush recommends. Even the Bush administration confirms the .75 minimum is inappropriate and puts our security at risk. Secretary Chertoff has consistently advocated Homeland Security funding be risk-based.

By reducing these State minimums, we can better protect the Nation by getting more funding to areas that are actually under threat and risk. If Congress will not eliminate State minimums, the best way to proceed is to reduce the State minimums so that as much money as possible is directed toward the highest risk areas.

If we review past terrorist attacks, it is clear terrorists want to attack densely populated areas, areas where they can inflict the most damage. We heard my colleague, Senator MENENDEZ, talk about the damage it could do to our national economy if we have a major attack in this very sensitive area. They want to kill as many people as they can, disrupt economic life as it exists.

I urge our colleagues to support the Menendez-Lautenberg amendment. A vote for this amendment is a vote in support of the administration's position, the 9/11 Commission position, and plain common sense.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will be offering some amendments to the Homeland Security bill that I think are important. I thank Senator GREGG for his leadership and his interest and his hard work in meeting some of the demands of this Nation with regard to homeland security. Unfortunately, we have not been able to meet all of those demands.

America, we have a problem, a very real problem.

This Senate and its action concerning immigration with relation to the bill that just passed this Senate is beginning to create a circumstance that in every respect looks like 1986, the year we passed the last immigration bill. We must not allow a repeat of 1986. This Senator will do all that he can to see that does not happen.

It goes to the very heart of our service in this Senate. It goes to the integrity of the Senate. It goes to the respect with which we want to be held by our constituents around this country. We must not repeat what happened in 1986. We must not allow a repeat of the 1986 immigration bill.

Back when the immigration bill started moving through the Judiciary Committee, I raised this very point. It came about in an interesting way. I offered an amendment in the committee

to expand bed space. It was accepted. I offered another amendment, and it was accepted. I began to think: It is easy to authorize, isn't it? It is very easy to pass a bill that authorizes more bed space. It is very easy to pass a bill that authorizes a fence to be built along the border to improve our security. It is easy to authorize more Federal agents to be hired, more workplace enforcement to be put in place. It is easy to authorize the expansion of the US-VISIT Program, which is central to an entry-and-exit system. It is easy to authorize interior enforcement agents around the country.

But an authorization is merely an authorization. Those agents do not get hired, they will not be paid, the VISIT system will not be in place, the fences will not be built until money is appropriated. This is the bill we would expect that appropriation to take place.

That is the problem we have. The bill does provide some additional expenditures for Homeland Security and for border enforcement and for other things. For that we are grateful. But the big matters that go to the heart of whether we are going to have a lawful system have not been funded adequately. It is something we have to confront and deal with in an effective way.

In 1986, we promised we would just have amnesty one time. It was the amnesty to end all amnesties, unlike today, when we deny we are offering amnesty. In fact, the proposal we passed in the Senate does just that. It is very similar to 1986.

What was the promise? The promise is we will have enforcement in the future and we will not need another amnesty. They said in 1986 it was an amnesty to end all amnesties. That was the argument. That is what we tried to do. That is what they tried to do at the time.

What happened? The promises that were made about enhanced enforcement did not occur. I point out, 2 million people were expected to claim amnesty; 1.5 million people were expected to claim amnesty. When it concluded, 3 million people had claims. Almost double the number of people came forward to claim the amnesty, many of them with fraudulent documents and inadequate proof. But they got it because it could not be disproved, and the numbers were so large.

That system did not work well, but the amnesty was part of the immigration bill. It became law. Everyone entitled to that amnesty got it. It openly was called amnesty. I note for the record that Black's Law Dictionary, in its definition of the word "amnesty," lists the 1986 immigration bill as one of its definitions.

These people got their legal status, their citizenship track, the benefits of welfare, earned-income tax credit, and all the other benefits that accrue for people in the United States, but the enforcement never came.

Remember, we said it was not going to happen again not too long ago, just

20 years ago. Where are we today? We now have an estimated 11 million people in our country illegally. We say we have to do something about this, but we cannot call it amnesty. But we will create this little system where they pay \$1,000 or \$2,000 and they are on a track to full citizenship—but it is not amnesty. Mind you, there is hardly any difference between what we did in 1986, but this year it is not popular to talk about amnesty because people have been around the country listening to their constituents, and the people of America are not happy with amnesty. They do not like it.

Many Members of this Senate have promised not to vote for amnesty. So all they do when they vote for this bill is redefine the meaning of words and say it is not amnesty. They just say it is not amnesty. They vote for it and say: I didn't vote for amnesty.

They have to wait a while before they get citizenship. They have to pay \$1,000. And if they held back taxes for 5 years, if they pay taxes for 3 of those years—and they pick the 3—then they have paid the price. They have paid the penalty. They earned their amnesty by paying back taxes. Yet American citizens pay their taxes all 5 years. How are you going to prove the back taxes anyway?

This is nothing more than amnesty. I drive this point home. What is the point? The point is, that has been put into law by the bill we passed in this Senate. Now they say: We will have enforcement this time; we are going to do the things that are necessary to have enforcement.

A lot of people say we really do not like a fence, but after they talk to their constituents back home—and I offered the amendment to have 350 miles of fences and 500 miles of barriers, and we had a vote. It passed 83 to 13—we passed an amendment to build the 350 miles of fences, 500 miles of barriers. We have authorized it, colleagues. That is all we did was authorize it.

I have heard the comments: I voted for the Sessions amendment. I voted to build a fence. I am for enforcing immigration laws. When do we build this fence? Where do we get the money to build this fence? What bill is it that the money has to come out of? It is a Homeland Security bill. That is the one in the Senate. We have been looking through the bill, reading the fine print, and it is not in there. The money to build the fence is not included.

We should be ashamed. We trumpeted this. The majority leader said he was supportive of this. Everyone was supportive of building a fence. When it comes time to pay up and actually buy the bricks or buy the wire and pay the people to do it, where are we?

I raised this in the Judiciary Committee. I offered an amendment sort of like the Isakson amendment at that time. Senator ISAKSON offered his amendment in the Senate that said: We see this problem coming, colleagues.

This has been the pattern. We authorize things, we make promises, but we do not follow through, so let's do the Isakson amendment which says none of this amnesty takes place until the enforcement takes place at the border and we follow through on the things we promised to do.

That is a pretty clever little amendment. Why would anybody object to that? Why would anybody who voted and promised to build fences, to add detention beds, to add agents—why in the world would you vote for those kinds of things and then not want to follow through on them?

I think it was troubling to me—troubling to a lot of Americans; I know troubling to Senator COBURN, the Presiding Officer—when Senator ISAKSON's amendment did not pass. Why? Why did Senator ISAKSON's amendment not pass? Well, the American people are pretty cynical now about our commitment and our integrity when it comes to matters involving immigration. And I suggested at the time and worried at the time that the reason the Isakson amendment did not pass was there was never any intention to fund the fence, to fund increased bed space, and fund the increased agents, make the US-VISIT program work—never any intention.

Now, wouldn't that be a bad thing? Wouldn't that reflect badly on the integrity of the U.S. Senate, when the whole Nation is looking at us? They are frustrated with us. They have not forgotten 1986. People remember that. They remember that. And they are looking at us: Are we going to do this again? And the first bill that comes up, we don't have money in it to fund the fence that we voted 83 to 16 to build. That is just breathtaking when you think about it.

It was a highly debated issue. It was probably one of the more noteworthy amendments in the entire debate. People thought it might be a close vote. As it turned out, it was an overwhelming vote. But it is easy to vote to authorize, isn't it, if you never intend to fund. That is an easy vote. I see the young people and the pages and those around here. Learn something about the U.S. Senate. It erodes public confidence in the integrity of the Government when you brag and speak glowingly about taking aggressive action to improve enforcement of immigration laws in America and then do not do it.

That is not good. That is just not good. The matter is not a little one. This is not a little matter. The American people know that immigration is important to our country. They know it is deeply important to our country. They care about it. They have been watching it. They watch it nightly on television. They write letters to their editor. They call my office. They call other people's offices. They complain about what is going on and how we have done our business.

They have every right to complain. They have every right to complain.

Why in the world would we ever suggest that somehow the American people are not generous and fair and decent when it comes to immigration? They really are. We are a nation that believes in immigrants. We are a nation of immigrants. We believe in immigration.

But people are frustrated. Some people say things that are harsh maybe about immigrants, but when you listen to most people, the anger that they are expressing is not at the immigrants, it is at those of us in Washington. It is at a string of Presidents, it is at a series of Congresses that have failed, refused to do what they asked them to do.

And what have the American people asked? They have asked that we create a lawful system of immigration and we create a policy of immigration that is in the national interest of the United States of America, that we allow a number of people to come in every year, that we make a rational judgment about how many that should be. People should not come in illegally. They should come in in accordance with law. And if they come in illegally, they expect the Government to stop them or apprehend them and deport them.

What is wrong with that? Is that harsh? Is it mean-spirited to say that we need to have a legitimate legal system involving immigration in this country? I suggest not. I have been looking at the numbers. I think it is adversely impacting the wages of working Americans. And I am prepared to debate it. But regardless, this is a matter we need to deal with. We are going to maintain a flow of legal immigrants into our country, and we should. We should set up a system that identifies people who are most worthy of coming into our country and approve them in a meritorious way, in an effective system.

We do not have that today. The bill we have passed pretends to be a comprehensive bill for immigration reform, and it is an utter failure. It should never, ever, ever become law. It is a total disaster. They say: Well, we will just send it over to the House. The same people who may well vote against funding this amendment say: We will just send this bill now over to the House, the House of Representatives, who they made fun of a few months ago for passing a border enforcement bill first. We will send it over there, and maybe we will fix all this.

How does it work in conference? The majority leader of the Senate appoints a group of conferees, the Speaker of the House does, the Democratic leaders in the House and the Senate appoint conferees, and this group of hand-picked Senators and Congressmen meet. They go meet someplace, and they work it all out, basically in secret, without any real input from the American people.

We have a bill from the Senate that has comprehensive review and reform, so-called, of the entire immigration policy of the United States of America

and the House of Representatives has a law enforcement security bill only. And these are going to be just written out of thin air by these hand-picked people in secret? I don't think that is healthy, not on a matter this important.

Let me ask you, do the American people have a right to expect that this Senate and the House of Representatives are going to protect their interests and do what they have been asking them to do for 30 years. Or do they have a right to be cynical and expect that they will meet, plot out some sort of immigration bill, trumpet it as solving all our problems, bring it on the floor of this Senate, not subject to amendment, and drive it through and pass it? And it will not work again just like 1986.

How can you test what we do here? How can the American people have a test of this Senate? I submit to you, one way is to watch the vote on the funding of the enforcement issues that are dealt with in the amendments I have offered.

So let's see. Are we going to pass a fence amendment or not? If we pass it, maybe we are beginning to get serious over here. But even that can be fixed in conference. That is not the final passage of the bill. They can still go into conference and take it out. But it would be a step.

I say this to my colleagues: If we vote down funding the agents, the fencing, the detention beds that we have authorized in this bill, why shouldn't the American people really look at us askance? Why shouldn't they say: they just authorized it, and they are not even going to fund this fence? They are not even going to add the agents? They are not going to even add the bed spaces? I think that is what the American people are going to ask. And the truth is, they are correct.

Now, some will say: Well, we don't have the money. We don't have the money? We spend over \$2 trillion a year in this country. What do you mean we don't have the money? We could do a "Cadillac" program for \$2 billion or \$3 billion. That is a lot of money. We are spending \$100 billion on hurricane relief, \$85 billion, in the supplemental, on the war.

Let me tell you some other things we spend money on in this country, when people say we don't have the money to do what the American people are demanding that we do: According to the Congressional Budget Office—this is from March 2006—spending for Social Security, Medicare, and Medicaid alone is expected to increase by \$106 billion from 2006 to 2007, a 9.5-percent increase. It is a 9.5-percent increase in Social Security, Medicare, and Medicaid alone, with the increase totaling \$106 billion. And we can't find \$1 billion or \$2 billion to make the border secure? Give me a break.

Defense spending: We spent \$76.8 billion in 2005 on that. How about \$32 billion to fund this Department, the

whole Department of Homeland Security? The bill budget for the Department of Homeland Security is \$32 billion. We cannot find another \$1 billion or \$2 billion to follow through on the commitments we made to make the immigration system in this country lawful? And within that Department of Homeland Security money is all the funding they will get. It is all the money we are going to get to increase immigration enforcement efforts. It is just not there. In this appropriations, the money has not been funded to meet the authorizations we passed and made a commitment to.

I am not here to break the budget. I am tired of that. I know the Presiding Officer is. He has fought harder than anybody I know in this Senate to bring integrity to spending, and I have been pleased to support him. But I will tell you, he has been a breath of fresh air and a great addition to the Senate. He has called our attention to the wasteful spending we carry on in this body on a regular basis. We cannot afford everything. We are paid to set priorities.

Has anybody ever listened to the people in their States about what they want us to do? I am telling you, they want us to make the immigration system a legal one, not a lawless one. They want us to spend the money that is necessary—no more but they want to spend whatever it takes. That is a priority with the American people. It should be a priority of those of us who are here because they are right. In the scheme of things, the money we spend is not that great, but it is important for us to do it correctly.

I will be offering amendments that will deal with five different areas. Those amendments will be offset, will not add additional spending to the budget or increase the debt in any way. We will set some priorities. We will set some choices. That is what the people pay us to do.

What do we need? We need strategic fencing and vehicle barriers at the border. We need an interior investigative agent increase—that is for the ICE agents, the Immigration and Customs Enforcement agents—to increase work-site enforcement. We need to increase the detention bed spaces.

Detention beds are critical. The reason is, we still are carrying out a catch-and-release policy. What do you mean "catch-and-release"? This is what happens: Someone comes into the country from a country, say, other than Mexico. They are referred to as OTMs, other than Mexicans—Brazil, Central America, South America, Asia—and they are apprehended here illegally.

What happens then? Well, you say: They try them and deport them. Wrong. Not really. What has been happening is, these particular people who are apprehended in this country illegally are not from Mexico, so they cannot be readily taken back across the border. They are then detained and then given a trial date. Since there are

no bed spaces, they do not have a place to keep them. What do they do? They release them on bail. They catch them and they release them on bail. They sign their name because they do not have any money to put up for the bail. They just allow them a signature bond, and they are asked to come back at a certain date to have their trial on whether or not they are going to be deported.

How many do you think come back? They have already entered the country illegally. They are apprehended and released. They do not come back for trial. One reporter did an interesting article that showed that 95 percent did not show up. What a joke that is. The only way to end the catch-and-release problem is to have enough detention beds so they could be detained until they could be deported from the country.

Secretary Chertoff is making some progress in this regard but not enough. We will never get there without some more beds. So if we are serious about making a legal system here work, then we need more bed spaces.

Everybody says we need worksite enforcement. We have a pilot program that has been played with for a number of years that is supposed to work. It really has the potential to work, but it is not working today. We need some more money for that to make that system work. If you don't want the workplace enforcement system to work and you are President of the United States, you don't ask for funding for a program that will work, and if you are a Member of Congress, you don't vote for the money to make the program work. If you are part of Homeland Security, you don't come and demand money so you can make it work. Everybody's hands are dirty on workplace enforcement. We know that. Let's be frank about it.

We need agents. You have to have law enforcement agents. Those law enforcement agents can have a tremendous impact on the worksite. It does not take that many prosecutions, frankly, to have a complete change in behavior. I strongly say we need that.

We need to protect the funds that were already appropriated for section 287(g). The 287(g) program is the cooperative immigration enforcement effort with State and local law enforcement. The Department of Homeland Security has this program. They train local law enforcement. They set up abilities to work together. If they apprehend someone for speeding and find out they are here illegally, then they call the agents and they can transfer them for processing and deportation. Wouldn't we want to see that happen? Wouldn't we want to take the help of State and local law enforcement agencies? Well, we don't have the money for that. We put the money in. It was in there for a while. Now they have spent it on something else. It is a bargain, a real bargain to do that.

Finally, we need to fully implement the exit portion of the US-VISIT sys-

tem to track visitors who leave the country as well as when they come in. That is what the system was set up to do. We have been working on it for 10 years. It has not been completed, they say, because of various problems.

Let's be frank. It hasn't been completed because Congress and the President over the last 10 or 15 years have not wanted it completed. There has been plenty of time to complete it. Agencies hadn't come forward and demanded the money necessary. They haven't told us what they needed. The President hasn't put it in his budget, and Congress hasn't spent the money. So it hasn't been completed. That is just it. I don't know any other way to say it.

We now can track people when they come in the country, and we need a good biometric card so people can enter really easily. If they have a legal right to come, they present their card. It clears immediately. They come right on through. If they work in the United States a week, they can go home and see their family, come back on Sunday or Monday, travel back and forth. They can do all those things.

We would like to see this system work. It can work. We are close to it, but we don't have the exit system working. Unless the exit system works, you have no idea of who is in the country and who has stayed, who did not go home when they were supposed to.

That is where we are. We will have some of those votes tomorrow. I don't mean to be unfair in my comments or unduly harsh, but the truth is the American people are watching us this time. They saw what happened in 1986. They don't want that to happen again. We should not want that to happen again. We should do what we promised to do. We should follow through and fund the projects that we have authorized. When we authorized these projects, we knew they were necessary to make this system move from a lawless system, a system that makes a mockery of law, to a lawful, decent system. It can be done. It actually can be done. It will not take an excessive amount of money, but it will take a significant amount of money.

Then there will be a tipping point. When people find out that the way to come in and work in the United States is to have a biometric card to come lawfully, that will be successful. If they wait in line, they can work. When they find out they can't get a job and it is very hard to get across the border, maybe impossible almost to come illegally across the border, they will quit coming illegally. When they can't get a job and it is too hard to get across the border, they will decide then to wait in line and get their card and come and work in due course lawfully. Right now the system is a mockery of the law. It is not working. Let's fix that.

When we vote tomorrow, we will send a signal to all those people back home that we are committed now to creating a lawful system of immigration. We are

going to follow through and put up the money, a significant amount of money, but in the scheme of the size of the United States budget, it is a very small amount to make this system work.

If you went back home and asked the American people, do you want to see us follow through, do you want to spend a few more billion dollars, \$2 to \$3 billion—that would be super; maybe we could do it for less than that—a couple billion dollars more than what we are spending today to make us move from a lawless system to a lawful system, they would say: Do it—in a heartbeat.

That is where we are headed. I thank the Presiding Officer for his leadership and commitment to creating a lawful system of immigration for the United States.

Ms. MIKULSKI. Mr. President, I supported Senator CLINTON's amendment to restore FEMA to Cabinet-level rank and establish it once again as an independent agency. In the early 1990s, as the chair of the Appropriations Subcommittee on VA-HUD, we funded FEMA. Senator Garn, my wonderful colleague, was my ranking member. We found that FEMA was a Cold War relic, and we went to work on a bipartisan basis, transforming it from a relic of the Cold War into a professional, prepared, all-hazards agency.

Hurricane Katrina was the storm we all feared. In the hours and days after Hurricane Katrina, like all of you I watched in disbelief and absolute frustration. Why? At the Federal Government's befuddled and boondoggled response blowing it. The people in our Gulf Coast States were doubly victimized first by the hurricane, second by the slow and sluggish response of our Government. And I thought: How like Hugo. How like Andrew. I didn't know about Betsy.

So this, of course, has prompted reform. Well, back in 1989 when we took a look at this, what did I see? What I found out as I took over the chairmanship of that subcommittee was that FEMA was a Cold War agency. It focused only on worrying about if we were hit with a nuclear attack. It was out of date, out of touch, and riddled with political hacks. If you had to give someone a favor job, whether it was at the Federal level or the State level, put them in civil defense. It was called civil defense. And many of us in my generation remember where we used to practice by hiding under those desks if war came. Well that is the way the bureaucrats were. Any time there was a question, they hid under their desk. So we set about reform. They were focused on something called continuity of Government. It was incompetent leadership. They had ridiculous ideas. In the event of a nuclear war—stop first at the post office and leave your forwarding address to these three shelters. So you get a sense of what it was like.

But Senator Garn and I looked at it. And then what happened was Hurricane Hugo hit the Carolinas, particularly

South Carolina. FEMA's response was very poor. The military had to come in to get power back up in Charleston. The people went for over a week without basic functions. Sound familiar? Our former colleague Senator Hollings had to call the President's Chief of Staff, John Sununu, to get help and call the head of the Joint Chiefs, then General Colin Powell, just to get generators from the Army. It was like cats and charmer cops. Are you in charge? No, I am not in charge. They had the generators but didn't ask. It was all of that. In the meantime, there was no water, no utilities in Charleston. We began then to begin to examine what steps to take in reform.

Then along the way we were hit with Andrew. Andrew, again, was the worst disaster. Yet FEMA's response was so bad and they were so inept that President Bush I sent Andy Card, then Secretary of Transportation, to take over. I remember seeing a woman named Katie Hale saying, "Where the hell is the cavalry on this one? We need food. We need water. We need people."

Having said all that, it was very clear to Senator Garn and me. Our job was to protect lives, protect people, and now of course protect the homeland. Working with Garn, and then Senator BOND, we worked to change it. We commissioned three studies, and I ask you to go take a look at them. One was a GAO study, the other was a National Academy of Public Administration, and then FEMA's own inspector general.

We looked at all of this, and we wanted to be able to prevent, do all we could for prevention, and do what we could to respond. Our goals then were: First of all, FEMA has to be professionalized. They need a professional director and a professional staff. Whoever runs FEMA has to have a background in crisis management, either to come from emergency response at the State level, the way James Lee Witt or Joe Allbaugh did, or from the military or private sector where they have done crisis management and know how to organize large numbers of people. But not only professionalized Washington but insist there be professionals at each State level. And I would emphasize reform must also be directed at the States. No matter how good James Lee Witt was, no matter how dedicated Joe Allbaugh was, if they didn't have the State functioning well, it wouldn't work. As we know, the genius of our system is that each State will have a different type of threat. The terrain is different, the threat is different. And they need to be ready. So the professionalization and the way was that each State submit a plan. If you don't do the right plan and do tabletops, you are not going to get the money. I think you have to have a muscular way to have State plans in place with professional people and where there are benchmarks for measurement and then use the ultimate withholding. That is tough, but let me

tell you, it works. So that is why we go for the professionalization of FEMA.

We focused on it being a risk-based agency—that means prepared for any risk that affects the risk base—because we thought then that the threat of the Cold War was coming to an end. The wall was coming down in Berlin, but the wall wasn't coming down in the Federal bureaucracy. So we said, what are the risks? The threat is natural disasters. And our States—we are coastal Senators, I share a coast with my colleague from Delaware—we are threatened by hurricanes. Soon as June comes, we are on our hurricanes readiness again—regardless of what the threat is. And now it is even more important because it could be an earthquake in California, a tornado in the Midwest, or, of course, a terrorist attack.

Next, be ready for all hazards. And again, it is the States that get ready with Washington offering the command and control and the ultimate backup of sending in the cavalry should the States collapse. All hazards need to be prepared like when we had a fire in the Baltimore tunnel—we didn't know if it was predatory or not. A hazardous chemical spill, a hurricane, a tornado or even a dirty bomb.

If we practice the three R's, of readiness, meaning if we are ready, and we are ready at the State level, then we can respond where the threat occurs and then you have the infrastructure ready for recovery. We were able to put the State plans, professionalize the agency, in place.

What was never really ultimately addressed, though, is the Federal backup if there is a complete collapse. That is something I believe needs to be very carefully examined because of two things: No. 1, I recall Governor Giles of Florida when Andrew hit. He said: We need NASA satellites to tell me what my coast line looks like. We can't even call the first responders. The firehouses are underwater. And you know all of the great tragedies that you have heard. There does come a time when there is only the Federal Government that can bring in, under some kind of doctrine of mutual aid, really come in and provide the resources necessary. We lost cities—we have never lost an entire city, except back to Betsy.

That has to be dealt with. The other is the role of the Vice President in our earlier recommendation. The Vice President always backs the President up, but in a big disaster, like when the big ones hit, the Vice President should move to the Situation Room and really take charge, to make sure the Governors can handle the job, that the Governors next to the States affected can provide mutual aid, and so on, because it is also an appropriate role for the Vice President should the President be out of the country. The Vice President would be prepared and also, should the Vice President ever have to take over for any reason, would know the complete working of the FEMA dis-

aster plans and how it should work. There are those other questions, too, of legal authority when the Government takes over. Our three R's have to be readiness, response, recovery. To do that we have to have professionalization, risk-based, all hazards.

You know, hurricanes are predictable. Terrorist attacks are not. And we have to be ready. Colleagues, I am concerned that whether it is avian flu or another hurricane getting ready for the season or something else, we don't know the answer. Who is in charge? That question has never been answered. Who manages the disaster? And most of all, who manages the panic around that? And who speaks? Your health committee members have just done a tabletop on bioterrorism. It is the same.

So I believe, No. 1, FEMA ought to be an independent agency. No. 2, maybe we need a disaster response agency, which handles this. But I also think we need to take a look at what would be our response and how we would handle these others, like avian flu. Are we going to call FEMA in? Is FEMA going to be avian flu? I don't know if we have to respond, but I don't think so. I would hope not. But should we have a new framework for that? What are the legal authorities? Can a President supersede a Governor if necessary? These are the big questions. But I believe we can create the right infrastructure. We can be ready for the natural disasters, and so on.

I am going to conclude by saying that when we work together, and I don't mean just us, but really work—we know how we have worked with Delaware. Just a couple of months ago, there was a terrible accident in a factory in West Virginia. The closest search and rescue team with helicopters was in Maryland with our State police. But because they had worked together, because they had trained together, because they knew each other, could talk to each other, trusted each other, my wonderful Maryland State troopers were able to go fly that 90 miles. The Coast Guard was too far away, this up near our Appalachian region. In the pitch blackness, with power lines around them when they couldn't see, they went down and were able to rescue two, and for the third they weren't sure whether he was going to get in the little basket that they have, but they stayed to make sure they were going to leave no one behind. Our State troopers did it, but they did it because they were professional, they were trained, they had worked together, they had trusted.

That is what they did that terrible night in West Virginia. It should be a model of what we need. Let's work together, train together, and trust each other. And that is why I supported this amendment to restore FEMA to Cabinet-level rank and establish it again as an independent agency.

NORTHERN BORDER AIR WING INITIATIVE

Mr. LEVIN. Mr. President, I would like to enter into a colloquy with my



friend from West Virginia, Senator BYRD, regarding funds that have been included in Senator BYRD's amendment for Customs and Border Protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The northern border air wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, 2004 to provide air and marine interdiction and enforcement capabilities along the northern border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, not all of the sites have yet been established, leaving large portions of our northern border unpatrolled from the air and, in the case of my home State, the water. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe approximately \$12 million of the funds included in Senator BYRD's amendment for air and marine interdiction, operations, maintenance, and procurement should be used by Customs and Border Protection to complete the remaining activities necessary to prepare, equip, and establish the Michigan NBAW site as Secretary Chertoff has indicated he would like to be able to do.

In an April 11, 2006, letter to me, Secretary Chertoff indicated that it was his Department's plan to open the Michigan site during the 2007 fiscal year, and the Byrd amendment will enable the Department to stick to its schedule. Mr. President, I will ask that Secretary Chertoff's letter and enclosures, my letter to the Secretary, and a colloquy from earlier this year be printed in the RECORD.

Mr. BYRD. I agree with my friend from Michigan. I understand that Secretary Chertoff has said that the establishment of the final northern border air wings will be completed in fiscal year 2007. These funds will help the Secretary meet his goal. My amendment, which was cosponsored by the chairman of our subcommittee and adopted unanimously by the Senate yesterday, provides \$105 million for air and marine interdiction, operations, maintenance, and procurement. Certainly, \$12 million of those funds could go to Michigan for the establishment of this important and final northern border air wing. I will work with the chairman in conference to ensure that the border security funds are retained in conference.

Mr. President, I ask unanimous consent that the aforementioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOMELAND SECURITY,  
Washington, DC, April 11, 2006.

Hon. CARL LEVIN,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR LEVIN: Thank you for your letter from March 10, 2006 in which you requested clarification on the Department of Homeland Security's plan for the opening of additional Northern Border Air Wing sites in Fiscal Years 2006 and 2007. The Department is committed to enhancing our Northern Border security through the establishment of the needed air wings just as soon as the ground infrastructure, air assets, and experienced personnel can be made available. Consistent with my earlier testimony, the activation of the Montana air wing at Great Falls is well underway and should be completed by the end of this fiscal year. In Fiscal Year 2007, our objective remains the activation of the Michigan site and the initiation of activity on the site in North Dakota. This will give us a limited presence at all five of the primary Northern Border Air Wing sites by the year's end.

Based on the operational experience gained on the Northern Border and our continuing evaluation of available intelligence, we will add or relocate air assets and personnel among the five sites to provide the most comprehensive patrol coverage and to support ground interdiction operations. We may also establish a series of secondary air sites and/or deploy unmanned aerial vehicles along our border to enhance air coverage.

We have developed a fully integrated aviation plan that is undergoing review within the Department. The plan details our long-range objectives for enhancing border security through the use of our air force and how we intend to achieve the objectives over time. We look forward to sharing the plan with Congress as soon as the review is complete. I believe that the plan will underscore both the extensive work accomplished to date and the challenges that face us. For now, please find enclosed our responses to your specific questions.

Thank you for your continuing support of our efforts to secure our borders. If we may be of further assistance, please contact the Department's Office of Legislative and Intergovernmental Affairs at (202) 205-4412.

Sincerely,

MICHAEL CHERTOFF,  
Secretary.

Questions to Secretary Michael Chertoff from the Honorable Carl Levin, United States Senate, dated March 10, 2006:

1. Will new Northern Border Air Wing Sites be established in Michigan and North Dakota during FY07?

a. When will specific sites in Michigan and North Dakota be selected?

b. When do you predict step sisters will be operational?

Response: Yes, the Department will begin the activation process for new air sites in both Detroit, Michigan and the Grand Forks area of North Dakota in FY 2007. The site survey for Detroit has been completed and preliminary work to assess hangar, maintenance, and support facility requirements is ongoing. Air assets are being identified for transfer to the site and staffing plans are being compiled. The FY 2006 appropriation provided \$2 million for the North Dakota site assessment, which is in progress and should be completed in late May 2006. The relocation of air assets and experienced personnel for both sites remains a challenge, and the Department will have to close smaller, less valuable, interior sites to su port the Northern Border site activations. This should enable the Department to establish initial presence at both sites by the end of FY 2007.

2. Does the President's FY07 budget request for DHS include funding for the opening of Northern Border Air Wing sites in Michigan and North Dakota?

a. If so, how much money has been budgeted for the opening of the sites?

Response: The current cost to fully activate a single air wing site is approximately \$17 million (\$12 million for infrastructure, operations, and maintenance; \$5 million for staffing salaries and relocations), depending on specific site requirements and other factors. The Department is currently developing funding options to support the site activations.

3. What criteria were used to determine the order of Northern Border Air Wing sites to be opened?

Response: The order in which the border sites are activated was based on the known level of aviation, marine, and ground activity in each geographical area, combined with available intelligence on the threat. This resulted in Bellingham, WA and Plattsburgh, NY being activated first, with Great Falls, MT and Detroit, MI to be activated second. Grand Forks, ND was identified as the last of the primary sites to be established.

U.S. SENATE,

Washington DC, March 10, 2006.

Hon. MICHAEL CHERTOFF,  
Secretary, U.S. Department of Homeland Security,  
Washington, DC.

DEAR MR. SECRETARY: I am writing to request clarification of the Department of Homeland Security's plans for opening additional Northern Border Air Wing sites to complement the current sites in Bellingham, Washington and Plattsburgh, New York. You have testified before the Senate Homeland Security and Governmental Affairs Committee on several occasions that the Department plans to open sites in Michigan, Montana, and North Dakota in Fiscal Years (FY) 2006 and 2007. I strongly support the Northern Border Air Wing initiative and look forward to all five Northern Border Air Wing sites becoming operational in the coming years.

During your testimony before the Senate Homeland Security and Governmental Affairs Committee on March 1, 2006, you indicated to the Committee that the Northern Border Air Wing site in Montana would open in FY06, followed by the North Dakota and Michigan sites in FY07. However, an analysis of the President's FY07 budget request for DHS does not seem to support your testimony since there are no funds designated for the establishment of Northern Border Air Wing sites in either North Dakota or Michigan.

In light of these discrepancies, I would appreciate your response to the following questions:

(1.) Will new Northern Border Air Wing sites be established in Michigan and North Dakota during FY07?

a. When will specific sites in Michigan and North Dakota be selected?

b. When do you predict these sites will be operational?

(2.) Does the President's FY07 budget request for DHS include funding for the opening of Northern Border Air Wing sites in Michigan and North Dakota?

a. If so, how much money has been budgeted for the opening of these sites?

(3.) What criteria were used to determine the order of Northern Border Air Wing sites to be opened?

A Northern Border Air Wing site in Michigan will provide an additional layer of air and marine border security along a critical section of our Northern Border. The region for which the Michigan site will be responsible encompasses at least three of our Great

Lakes and several major ports along the St. Lawrence Seaway including Detroit, Cleveland, Chicago, Milwaukee, and Green Bay. In addition, Southeast Michigan is home to three of our nation's busiest border crossings and an unparalleled industrial base vital to our economy and national security. I hope you agree that the establishment of a Northern Border Air Wing site in Michigan is a national priority and I would appreciate your timely response to the above questions.

Should your staff have any questions, please feel free to have them contact Michael Noblet of my staff at (202) 224-3999.

Sincerely,

CARL LEVIN.

#### CUSTOMS AND BORDER PROTECTION

Mr. LEVIN. I would like to enter into a colloquy with my friend from New Hampshire, Senator GREGG, and my friend from North Dakota, Senator CONRAD, regarding funds that have been included in this bill for customs and border protection, CBP, air and marine interdiction, operations, maintenance, and procurement.

The Northern Border Air Wing, NBAW, initiative was launched by the Department of Homeland Security, DHS, in 2004 to provide air and marine interdiction and enforcement capabilities along the Northern Border. Original plans called for DHS to open five NBAW sites in New York, Washington, North Dakota, Montana, and Michigan.

The New York and Washington NBAW sites have been operational since 2004. Unfortunately, none of the other three sites have yet been stood up, leaving large portions of our Northern Border unpatrolled from the air. In the conference report accompanying the fiscal year 2006 DHS appropriations bill, the conferees noted that these remaining gaps in our air patrol coverage of the northern border should be closed as quickly as possible.

Given that the threat from terrorists, drug traffickers, and others who seek to enter our country illegally has not diminished, I believe an adequate portion of the funds included in this bill for air and marine interdiction, operations, maintenance, and procurement should be used by customs and border protection to complete the remaining assessments, evaluations, and other activities necessary to prepare and equip the Michigan, North Dakota, and Montana NBAW sites with appropriate CBP air and marine assets.

This bill requires that DHS submit an expenditure plan to the appropriations committee before any of the funds may be obligated. I urge DHS to include in their plan the funds necessary to stand up, equip, and begin operations at the three remaining northern border air wing sites in Michigan, North Dakota, and Montana.

Mr. CONRAD. I agree with my friend from Michigan. The fiscal year 2006 DHS appropriations bill included a small amount of funds to begin initial preparations for a NBAW site in my home state of North Dakota, but more funds are needed for the site to become operational. Secretary Chertoff has told us that the establishment of the three additional northern border air wings will be complete in fiscal year 2007.

A small portion of the air and marine interdiction funds in this bill would go a long way toward meeting this deadline and the goal of securing our long and currently porous northern border. I join Senator LEVIN in encouraging the DHS to include funds sufficient to stand up and equip the North Dakota, Michigan, and Montana sites.

Mr. GREGG. My friends from Michigan and North Dakota raise important points. I agree the establishment and equipping of the three remaining northern border air wings is a priority. The northern border has long been ne-

glected compared to the southern border. As my colleagues are aware, funds were appropriated in the fiscal year 2006 Department of Homeland Security Appropriations Act to initiate funding of the third northern border air wing in North Dakota. I am committed to seeing that the establishment of the remaining northern border air wings is accomplished as expeditiously as possible.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SOLE-SOURCE CONTRACTS AND IRAQ

Mr. DORGAN. Mr. President, this morning in the Washington Post there was an article announcing a decision by the Defense Department that relates to something I have held a good many hearings on through the Democratic Policy Committee in the past several years. We have been holding hearings on waste, fraud, and abuse with respect to the very large sole-source contracts that have been given to certain companies to do business in Iraq and provide food and fuel and logistics support for our troops. What we have discovered is very substantial waste, fraud and abuse.

This morning, finally, the Washington Post says: "The Army to End Expansive, Exclusive Halliburton Deal. Logistics Contract to be Open for Bidding." One of the side bars of the story talks about: "Whistle-blowers told how the company charged \$45 per case of soda, double-billed on meals, and allowed troops to bathe in contaminated water." All of these were issues given us to us by whistle-blowers who came to our Committee to testify because there was virtually no oversight on these issues by the other Committees.

The decision to terminate these sole-source contracts is long overdue. Sole-source contracts are contracts that are, in my judgment, invitations for abuse. The bill that I introduced some months ago, along with 30 other Senators, called S. 2361, the Honest Leadership and Accountability in Contracting Act of 2006, is a piece of legislation that insists on this exact provision, but goes much, much further—the provision that says we ought to break up these contracts and have them competed for so that the competition for contracts will give the taxpayers some feeling they are not being cheated.

A fellow named Henry Bunting testified at a hearing we held. He was a whistle-blower. He actually worked for Halliburton in Kuwait. His job in Kuwait was to purchase hand towels for American soldiers. So he got a requisition to buy hand towels for American soldiers, and he would order the hand towels. But then he was told: No, we don't want you to order those hand towels; we want you to order new hand towels. He brought a sample of the hand towels with him. The reason they wanted him to order different hand towels is they wanted the company name to be embroidered on the hand towels, which tripled the cost of the towels for the taxpayers.

No one would have believed that soldiers need to have hand towels with the embroidered name of the contractor providing the hand towels. That is exactly what happened. And it is exactly what the whistle-blowers told us was happening with respect to procurement.

This whistle-blower, who worked with the company, said: This is something my supervisor said we are going to do, and we did it. He said: We saw \$8,500-a-month SUV rentals. We saw \$40, \$45 a case for Coca-Cola.

It is pretty unbelievable when you hear all of the stories. Those stories come from giving billions of dollars of contracts to one company. That is what has happened on contracts called LOGCAP and RIO, and finally the Pentagon suggests maybe it is going to shut these down and require competition.

Looking forward, I am going to ask the Pentagon to consider all of the information that we have uncovered in these hearings, because provisions in defense contracting require that you hold companies accountable for actions they have taken in the past, when you consider new bids for the future.

It is interesting that this also relates to something that is now happening in the Pentagon. The woman who testified before the committee—there has been a great deal of discussion about her—was Bunny Greenhouse, the top civilian contracting official in the Corps of Engineers at the Pentagon. She rose to the top. Every performance evaluation said she was the best. People outside the Government who had dealt with her said she was the best, professional, knew what she was doing. She said:

I can unequivocally state that the abuse related to contracts awarded to KBR—

That is Halliburton—

represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This woman was honest and public about what she saw. She was demoted. She lost her job. That job has now been filled by someone else, someone who has 40 years experience with the Government but has no contracting experience. A person with 20 years contracting experience, the highest civilian official in the Corps of Engineers

loses her job to be replaced by someone who is now being sent to school because she doesn't know contracting.

This is happening at a time when we hear these stories of \$85,000 trucks left by the side of the road to be burned because of a flat tire—the taxpayer is paying for it; it doesn't matter—25 tons of nails, 50,000 pounds of nails ordered, wrong size, throw them in the sand. Want to find 25 tons of nails? They are in the sand in Iraq, paid for by the American taxpayer.

Where is the accountability? It is unbelievable the amount of waste that has existed. And the one person who had the courage to talk about it publicly lost her job. That is still the subject of a great deal of angst in the Pentagon.

So yesterday the Pentagon announces that they are finally going to end sole-source contracts and require competitive bidding, and finally the taxpayers appear to get a break. But this was several overdue.

There is more that needs to be done. One of the things the Pentagon has apparently also decided to do is to outsource oversight. You can't outsource oversight. It has been tried before. They had companies that were partners in contracts in other countries come into Iraq to provide oversight over each other. You can't do that. You can't delegate oversight, especially not to companies with conflicts of interest. The oversight responsibility for spending the taxpayers' money is with the Government, not someone you hire that will have a patently obvious conflict of interest.

While the Pentagon is taking a step forward today in their announcement about the ending of these sole-source contracts, they are taking another step backward on this issue of deciding they are going to hire other companies to provide oversight to make sure the taxpayers' money is being spent in the way anticipated. That makes no sense.

Here is another whistleblower account. Rory Mayberry worked in Iraq for Halliburton. He worked in food service. He was the manager of a food service that provided food to the troops. He came to us and said: We had food that was date stamped expired. The Halliburton supervisors said: It doesn't matter, just feed to it the troops. And they said: By the way, don't you dare talk to a Government auditor. If a Government auditor comes around and you talk to that person, either you will be fired or you will be sent to an area where there is hostile action. He talked to a Government auditor. He was sent to Fallujah during the height of the action there.

The stories are unbelievable. And finally, the Pentagon is taking a step in the right direction in one area, stepping backward in another. But I hope the Pentagon understands, when they open these contracts called the LOGCAP contract and the RIO contract, when they open these contracts and finally insist that there be com-

petition between companies in order to provide some safety for the American taxpayer and to be sure that we are getting what we are paying for, I hope they will understand that there has to be adequate oversight.

We have introduced legislation, myself and many of my colleagues, called the Honest Leadership and Accountability in Contracting. What the Pentagon is doing today appears to be in line with one piece of it, and it is a step in the right direction. But much more needs to be done.

I ask those in the Pentagon to take a look at what we will send to them as a result of a number of hearings in which whistleblowers who have worked for these contracts, particularly Halliburton that has received very large sole-source contracts worth billions of dollars without bidding, I would hope they would take a look at this and evaluate whether the performance is performance that is worthy of receiving other contracts. The list is endless. I will not go over it again.

This morning's announcement by the Pentagon is finally a recognition that there needs to be competition. It is one step in the piece of legislation I and many of my colleagues offered some months ago. My hope is they will finish the job and do what is necessary to give the taxpayers full value and full measure for the money that is being spent on these contracts.

I yield the floor.

#### MIDSESSION BUDGET REVIEW

Mr. REED. Mr. President, when the administration released its midsession review of the fiscal year 2007 budget yesterday, it made a number of claims about how its policies have been successful at promoting economic growth and bringing down the budget deficit. In this case, however, as in so many others, the administration is looking through rose-colored glasses, exaggerating the successes of its policies and ignoring the true costs.

Let's begin by putting the improvement in the fiscal year 2006 budget deficit in perspective. It is true that tax revenues have grown this year—as they always do in a business cycle expansion—and that revenues have been coming in stronger than expected. But the current projected 2006 deficit of \$296 billion is just a little lower than the fiscal year 2005 budget deficit of \$318 billion. It is still the fourth largest budget deficit on record in nominal terms.

The Bush administration wants us to compare the current estimate of the fiscal year 2006 budget deficit with the exaggerated estimate of \$423 billion they made in their February budget projection. As the noted budget expert Stan Collender wrote at the time:

This President has a well-established history of overstating the deficit early in the year and then taking credit when it turns out to be lower than projected, even if it has done nothing to make that happen.

And, of course, that is exactly what we are seeing right now.

The real story is the sharp deterioration of the budget in this administration. When President Bush took office, the Congressional Budget Office projected large and growing Federal budget surpluses under existing laws and policies—the so-called baseline projection—including a budget surplus of over \$500 billion in fiscal year 2006. However, the President has presided over an incredible reversal of fortune. A \$128 billion Federal budget surplus in fiscal year 2001 turned into a \$318 billion deficit by fiscal year 2005 and a projected deficit almost as large in fiscal year 2006. This is not news to crow about. Frankly, it reveals, as I suggested, a tremendous reversal in the budget fortunes of this country.

A \$5.6 trillion, 10-year projected surplus from 2002 to 2011 has turned into a deficit of \$2.7 trillion. So from the time the President took office until today, what we thought was going to be a \$5.6 trillion surplus is now a \$2.7 trillion deficit, an extraordinary change in the fiscal year health of the United States.

Realistically, this 10-year deficit is probably much higher because it does not include big-ticket items such as the war costs which are being funded on supplemental appropriations and not properly projected into the budget base; and the need to make tax adjustments like fixing the alternative minimum tax.

Instead of sound budget policies aimed at preparing for the imminent retirement of the baby boom generation, the Bush administration and the majority in Congress have refused to adopt the kinds of budget enforcement rules that helped achieve fiscal discipline in the 1990s. They have pursued an open-ended commitment to stabilizing Iraq that relies on supplemental appropriations rather than the normal budget process, and they have remained committed to extending irresponsible tax cuts that will add further to the budget deficit. All of this comes at the cost of inhibiting greater economic opportunities for most American families.

That, of course, is not what we are hearing from the administration and its supporters who keep telling us that the economy is doing well, and that their tax cuts are an important reason why, and that everyone is benefiting. It should not be surprising that this is not a message which is resonating with the American people because, in fact, the current economic recovery has been weaker than the typical business cycle recovery since the end of World War II, and large numbers of Americans are still waiting to benefit from the economic growth that we are purportedly seeing.

Job growth has been very slow by the standards of past recoveries, real wages are stagnating, and disparities in income and earnings are growing wider. Last Friday we learned that employers added only 121,000 jobs to their payrolls

in June, and that employment growth over the past 3 months has averaged just 108,000 jobs per month. Those are not the kinds of figures you expect to see in a healthy job market. They are not even enough to keep up with normal growth in the labor force.

You also don't expect to see the earnings of the typical worker falling behind inflation year after year in a growing economy, but that is what has happened since 2003. Average hourly earnings have fallen in each of the past 2 years, and real median household income has declined by about \$1,700 under President Bush.

The benefits of economic growth over the last several years are simply not being shared fairly. Those at the upper income levels are seeing gains but, frankly, not the same robust gains of the 1990s, when we saw the proverbial picket fence, where there were positive gains at every level of income in the United States from the poorest to the richest. Now, we are seeing a distribution of income that is skewed to the very richest. At the bottom income and middle income level, there is a loss in real earnings since the President took office. They are not even keeping up.

While wages have stagnated and incomes are falling for most workers, profits have grown to record levels. Corporate profits have grown at an annual rate of over 16 percent, more than twice the average growth rate in past recoveries. Strong productivity growth has shown up on the bottom lines of shareholders, but not in the paychecks of workers.

It seems clear that investors are benefiting greatly from Bush administration policies, but hard work goes unrewarded. Most Americans depend on their salary, not their investments, to pay their bills. Too many Americans are being squeezed by stagnant incomes and rising costs for gasoline, health care, and education. Somehow, the Bush tax cuts are supposed to make up for this.

However, the nonpartisan Tax Policy Center estimates that the tax cuts passed this year will only save the typical American family about \$47—about what it now costs to fill up the gas tank of their minivan. But taxpayers making over \$1 million will receive a tax cut of more than \$42,000—enough to buy a new Mercedes.

Ironically, the sources of the revenue surprises that have led to the improvement in the fiscal year 2006 budget prospectus mirror the growing disparity between incomes at the top of the distribution and incomes for typical American families. Corporate tax receipts are substantially higher than originally projected, and much of the unexpected increase in individual income taxes appears to come from income gains by high-income taxpayers.

In particular, tax receipts for income not automatically subject to withholding, known as nonwithheld receipts, were 20 percent greater during the first 9 months of 2006 compared to

2005. Nonwithheld income is not ordinary wages; it is income such as capital gains, executive bonuses, noncorporate business income, and interest on dividends.

Unfortunately, middle- and lower-income families are paying the price for the President's tax cuts for the wealthiest, as investments in programs that promote greater economic prosperity for ordinary Americans have become candidates for budget cutting.

The President's budget includes cuts to elementary and secondary education, student financial aid for higher education, job training for displaced workers, child care assistance so that parents can go to work, and community development grants aimed at expanding small businesses.

Getting our fiscal house in order is the first step toward keeping our economy strong. But we also can't short-change investments in research and technologies that will create the high-wage jobs of the future. Our policies should be refocused toward promoting lifelong education and training for our citizens in order to allow Americans to increase their earnings, their personal savings, and their ability to own a home.

Today, we are at war and yet there is no sense of the shared sacrifice that has united this country in past conflicts. Our military families are making tremendous sacrifices, and too many of them have made the ultimate sacrifice in service to our country.

With \$320 billion appropriated or pending for Iraq operations to date and more than 2,500 service men and women killed, the human and financial tolls are both more staggering than imagined.

With mounting war costs, the impending retirement of the baby boom generation, and deficits as far as the eye can see, it is unconscionable to think that we are being asked to make the President's irresponsible tax cuts permanent. Those tax cuts were poorly designed to stimulate job creation and broadly shared prosperity when they were first passed, and they have produced a legacy of large budget deficits that leave us increasingly hampered in our ability to deal with a host of challenges that we face as a Nation.

Large and persistent budget deficits have contributed to an ever-widening trade deficit that forces us to borrow vast amounts from abroad and puts us at risk of a major financial collapse if foreign lenders suddenly stop accepting our IOUs. We had a current account deficit of nearly \$800 billion last year and our international financial debt continues to mount.

Raising our future standard of living and preparing adequately for the retirement of the baby boom generation require that we have a high level of national investment and that a high fraction of that investment be financed by our own national saving—not by foreign borrowers. We followed such prosperity-enhancing policies under Presi-

dent Clinton, but that legacy of fiscal discipline has been squandered under President Bush.

No matter how rosy a picture the administration tries to paint, neither the present nor the future fiscal outlook seems terribly bright. Instead of more tax cuts for the wealthiest among us, we need to invest more in hard-working families and create greater opportunities for every American. We cannot afford the costs of failing to meet that challenge.

#### CHILD MARRIAGE PREVENTION AND PROTECTION ACT OF 2006

Mr. DURBIN. Mr. President, I rise today to announce that tomorrow I will introduce the Child Marriage Protection Act of 2006 which is cosponsored by Senator CHUCK HAGEL of Nebraska. I have believed for a long period of time that one of the best predictors of how a nation will develop economically can be found in the answer to one question: How does that nation treat its women? If women are treated as property or slaves without rights or opportunities, the country's prospect for economic advancement will be low. But if women have the opportunity to advance and prosper, so will their nation.

The untapped economic and educational potential of girls and women in many developing nations represents an enormous loss to those societies. If women play such a key role in economic development, then we have to start with an even more basic question: How does a country treat its daughters? Girls' educational opportunities and access to health care are key variables in this equation.

The issue of child marriage is another important, but often unrecognized, element that significantly affects access to education and dramatically shapes the lives of girls and women in many developing countries. That is why Senator HAGEL and I will be introducing this bill.

Child marriage is dangerous to the health of girls and young women and their children, detrimental to economic progress, illegal in most countries, and yet common in many parts of the world. In some countries, girls as young as 7 or 8 years old are often married.

This last week's New York Times Sunday magazine had a pictorial display of some of these child marriages around the world. It was heartbreaking to see girls who would be in the second and third grade in the United States of America being claimed as wives by these older men.

Early marriage also carries with it serious health risks. In developing countries, girls aged 10 to 14 who become pregnant are five times more likely to die in pregnancy or childbirth than women who are 20 years to 24 years of age. Their children suffer from high mortality rates as well.

In countries with high rates of HIV/AIDS, child marriage is itself a risk

factor: Girls who are married are at a greater risk of HIV/AIDS than unmarried girls. This is one of the many sad ironies of this practice. Parents may believe that earlier marriage will protect their daughters; instead, it places them in greater danger.

Adolescent mothers in developing countries are also at high risk for a condition known as obstetric fistula. This is a medical condition which has virtually disappeared in developed countries around the world. It occurs most often when a woman is trapped in prolonged, obstructed labor without medical care. In nearly every case, the baby in such circumstances is still-born. Women and girls who survive the ordeal of prolonged labor may be virtually ripped apart physically in the process.

A fistula is an open hole that is created during labor that does not heal. This condition may leave its sufferers unable to control their bowels or bladder. It can be as debilitating socially as it is physically. These girls and women are often abandoned by the husbands who married them at such an early age and impregnated them, and they are shunned by their communities and their families because of this terrible physical condition.

Last December, I went to the Democratic Republic of Congo with Senator SAM BROWNBACK of Kansas. We went to the town of Goma, and in this town of Goma, we visited a hospital known as the Docs Hospital.

The Docs Hospital is kept open by the charity and giving of many churches around the world and in the United States. They have a surgical room which is one of the most professional you can imagine in that part of Africa, funded by the United Nations. Almost all of their work is on this condition of obstetric fistula. Young girls pregnant too soon, subjected to prolonged labor as a result, have this condition which haunts them. Girls who are the victims of sexual assault face the same possibility. Then, after they have been shunned by the families and their tribes, they sometimes walk for hundreds of miles to get to this tiny hospital in Goma.

As Senator BROWNBACK and I approached this hospital, we saw these women lined up sitting in the dirt. They stood as soon as they saw our White faces and broke into songs of greeting, as one often finds in Africa. We looked at the long line of women waiting for their chance for surgery. When we talked to the surgeon, he said some of them will wait for months, and if they are lucky enough to have the surgery, they convalesce two to a bed in this crowded hospital ward. But the surgeon went on to tell us that even one surgery is not enough for many of these women. There are some women who have waited years, with repeated surgeries to try to correct this problem, a problem that would have been avoided for many of these women had they not been exploited at an early age

and if they had not experienced pregnancies which they were not physically prepared to deal with or devastating sexual assaults.

We need to do more to help women and girls who are suffering from this condition, but we also need to do everything we can to prevent it—through access to family planning and medical care and encouraging communities to recognize the true social costs of child marriage. That is one of the goals of our legislation.

We are not trying to dictate to other countries what their laws will be. Child marriage, as I said earlier, is already illegal in most nations, and we are not trying to force our will on unwilling countries. But we are trying to promote change through community-based organizations that help local leaders and parents recognize the costs and horrors of child marriage.

In addition to the often devastating health consequences of early marriage, girls who are married are often denied opportunities to go to school. Girls' education is increasingly recognized as the critical element in economic growth and development. That is why it has been added as one of the criteria for countries to qualify for assistance through the multibillion-dollar program, the Millennium Challenge Account.

U.N. Secretary Kofi Annan has said that "educating girls is not an option, it is a necessity." He is right. Girls' education is a recognized cornerstone of development, but 60 million girls in the world are denied access even to the most basic education. Others may start school but are far less likely to complete school than their brothers because of economic realities and the possibility of child marriage. Early marriage, as I said, is one of the reasons. Engagements and weddings frequently signal the end of school for the 10- or 11-year-old bride.

Lack of education has an enormous impact on the health, economic opportunity, and security of a nation. In Sub-Saharan Africa, children whose mothers have 7 years of education are twice as likely to see their fifth birthday as children of uneducated mothers. The children of mothers who attended school are also far more likely to attend school themselves. Just as early marriage helps to sustain cycles of poverty, education can break those cycles.

Our foreign assistance programs need to address the ways in which these issues are linked. The Child Marriage Prevention and Protection Act will, No. 1, require the State Department and USAID to create a comprehensive strategy to address child marriage as part of the U.S. development agenda; No. 2, require incorporation of this important issue within the annual State Department Country Reports on Human Rights Practices; No. 3, help countries enforce their existing child marriage laws; and No. 4, authorize \$60 million over 3 years, starting with \$15 million in the first year, as part of an

integrated community-based approach to promote and support girls' education, health care, and opportunities.

Child marriage is part of a complex matrix of issues and attitudes. Last Sunday's New York Times, as I mentioned, described the situation in Afghanistan, and here is what they wrote:

Rather than a willing union between a man and a woman, marriage is frequently a transaction among families, and the younger the bride, the higher the price she may fetch.

The Times article stated:

Afghanistan is not alone in this predilection toward early wedlock. Globally, the number of child brides is hard to tabulate; they live mostly in places where births, deaths and human milestones go unrecorded. But there are estimates. About 1 in 7 girls in the developing world (excluding China) gets married before her 15th birthday—

One in seven—

according to analyses done by the Population Council, an international research group . . . Tens of millions of girls are having babies before their bodies are mature enough, increasing the likelihood of death from hemorrhaging, obstructed labor and other complications.

This article described one such wedding: a 13-year-old whose marriage was arranged to pay off a gambling debt.

The story also described the engagement of an 11-year-old girl to a 40-year-old man. They showed the photo. It was horrifying to think about that little girl, who was quoted in the story as saying she really didn't know this man. The girl in question said she had hoped to become a teacher. Instead, she will become an 11-year-old bride—one more girl in a faraway place in the world who has lost her chance for the future.

Child marriage is most common in the rural areas in the poorest countries. This practice perpetuates poverty.

Charlotte Ponticelli, who was then the senior coordinator for international women's issues for the State Department, laid out the case clearly. Ms. Ponticelli stated:

It is unconscionable that in the 21st century girls as young as 7 or 8 can be sold as brides. There is no denying extreme poverty is the driving factor that has enabled the practice to continue, even in countries where it has been outlawed . . . We need to be shining the spotlight on early marriage and its underlying causes . . . We must continue to do everything we can to ensure that girls have every opportunity to become agents of change and to expand the "realm of what is possible" for their societies and the world at large.

The legislation Senator HAGEL and I will introduce is designed to support community-based efforts to support girls' education, discourage early marriage, and assist young girls and women already in marriage.

We invite our colleagues on both sides of the aisle to join this bipartisan bill. Parents should never feel that marriage of their 11-year-old daughter is the best option for themselves or their children. With a little help from America and other countries around the world, perhaps we can make this a better choice for the daughters, the families, their nation, and the world.

## HONORING OUR ARMED FORCES

U.S. ARMY SERGEANT RUSSELL M. DURGIN

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army SGT Russell M. Durgin, a courageous young American from Henniker, NH, who on June 13, 2006, gave his last full measure in service to our Nation.

Russell, or Russ or Durgs to family and friends, was a 2001 graduate of John Stark Regional High School, Weare, NH, where he played lacrosse. Friends say his sense of humor, adventurous spirit, love of life, and wide smile made every moment spent with him a good one. Daniel Webster, speaking of early American leaders said, "While others doubted, they were resolved; where others hesitated they pressed forward." In this spirit, at the age of 17 while still in High School, Russ enlisted in the U.S. Army. He completed basic infantry training at Ft. Benning, GA, in July 2002. Next came a 1-year tour of duty in South Korea with the 1st Battalion, 506th Infantry Regiment, followed by assignment to the 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division, Fort Drum, NY, and a 1-year tour of duty to Iraq from September 2003 to September 2004. Back in the United States during 2005, he successfully completed the U.S. Army's warrior leadership course, combat lifesaver course, and sniper school. In March 2006, he deployed with his unit to Afghanistan in support of Operation Enduring Freedom.

Tragically, in June 2006 during combat operations in the mountains of Korengel, Afghanistan, this brave soldier died of injuries sustained when his unit came under small arms fire. Sergeant Durgin's awards and decorations include two Bronze Star Medals, one with the combat distinguishing "V" device, two Army Commendation Medals, one with the combat distinguishing "V" device, two Army Achievement Medals, the Purple Heart Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Non-commissioned Officers Professional Development Ribbon, Army Service Ribbon, Overseas Service Ribbon 2, Combat Infantryman Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Kabul—and U.S. Army SGT Russell Durgin served in that fine tradition. Friends and family said he loved his work and was fiercely committed to the Army and to the people with whom he served. During these chaotic and violent times, Russ dedicated himself to serving his Nation because in his heart, he sensed a call to duty.

My sympathy, condolences, and prayers go out to Russell's parents, Jean and Lester, and to his other family members and many friends who have suffered this most grievous loss. The

death of Russ, only 23 years old, on an Afghan battlefield far from New Hampshire is also a great loss for our State, our benevolent Nation, and the world. He will be sorely missed by all; however, his family and friends may draw some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Russell M. Durgin.

## TRIBUTE TO MARY A. RYAN

Mr. KENNEDY. Mr. President, all of us who know Mary Ryan were saddened by her death on April 25. She was a truly outstanding American diplomat and public servant, and shall be greatly missed.

Mary Ryan dedicated her life to public service and to helping others. She joined the Foreign Service in 1966 and went on to serve the American people as a skilled diplomat for 36 years, including service as Ambassador to Swaziland and Assistant Secretary of State for Consular Affairs. She retired as one of the few Americans to achieve the rank of Career Ambassador, and one of the very first women to do so, a major distinction in her profession, but above all, she touched many lives in the State Department. She served as a mentor to generations in the Foreign Service, and many considered her to be the matriarch of America's diplomats.

As Assistant Secretary of State for Consular Affairs, from 1993 to her retirement in 2002, she frequently testified before Congress, and provided us with valuable guidance and impressive expertise. Thanks to her leadership, Congress made necessary changes to enable the Bureau of Consular Affairs to improve technology, efficiency and information-sharing. She worked aggressively to develop the TIPOFF terrorist lookout system, which became the basis of our current terrorism data system. She was recognized as a leader on consular issues around the world.

Mary Ryan exemplified the best in public service. In a commencement address she delivered some years ago at her alma mater, Saint John's University, she said, "I ask you what JFK asked the youth of my day to do, to return something to the community which has protected and educated you."

She encouraged young men and women to "reject the murderous din of materialism," emphasizing, "There is more to life than the amount of money on your W-2 at the end of the year."

Mary Ryan lived by those words, and they defined her own career and life.

In the immediate aftermath of the bombings of the American embassies in Kenya and Tanzania in August 1998, Mary put on a hardhat and climbed through the bombed rubble of the embassy in Nairobi, wanting to know the name and background of each of the

victims, both American and Kenyan alike. She dedicated much of her subsequent work to improving the security of our embassies around the world, and offering a more compassionate outreach to the State Department's most valuable assets, its men and women.

At a service in honor of one of the Foreign Service Officers who died in the Kenya bombing, Mary Ryan spoke these words:

"She was a beautiful, beautiful person. We are greatly diminished by her loss."

That was true of Mary as well. She too was a beautiful, beautiful, person, and we will miss her very much.

LOCAL LAW ENFORCEMENT  
ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On May 26, 2003, in Lawrence, KY, Josh Graves, a 15-year-old boy who suffers from cerebral palsy, was attacked at a local park by four teenage boys. The four boys approached Graves, taunting him and asking him if he was retarded. They attacked Graves, knocking him to the ground before punching and kicking him. After the attack, Graves was left on the ground suffering multiple seizures. According to reports, the sole motivation for this attack was Grave's disability.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## ADDITIONAL STATEMENTS

RECOGNITION OF NEW NATIONAL  
BOARD CERTIFIED TEACHERS

• Mr. AKAKA. Mr. President, today I congratulate a special group of Hawaii teachers, those who have successfully earned the designation National Board Certified Teacher. During 2005, a new cadre of 30 consummate professionals demonstrated that their teaching practice is consistent with the rigorous requirements for the profession as set by the National Board for Professional Teaching Standards. Their achievement brings the number of teachers working in Hawaii who have attained National Board Certification to 111.

These dedicated teachers are distributed throughout Hawaii's education



system. Some teach at the elementary level, some in middle schools, while others teach in high school classrooms. Some teach on Oahu, some are on the Big Island, and others on Kauai and Maui. Some teach language arts, math, or social studies, while others teach a variety of other disciplines. Some teach special needs students, a number are generalists, others are specialists, and a few are librarians. Nevertheless, all of them have one thing in common, their dedication to enabling the schoolchildren of Hawaii to achieve all that they can. I am proud to enter their names into the RECORD of this august body.

During the 2005 school year the following teachers received National Board Certification: Leslie Agena, Kailua High School; Amy Boehning, Waialua High and Intermediate School; Genevieve "Noe" Bunnell, Pearl Ridge Elementary School; Lisa Chang, Niu Valley Middle School; Susan Erikson, Washington Middle School; Marta Finley, Kealakehe Elementary School; Cathy Lynne K.L. Fong, Liholiho Elementary School; Candace Foster, Aina Haina Elementary School; Kimberly Fradale, Mid-Pacific Institute; Raejean Gamiao, Mililani Uka Elementary School; Douglas Garriss, Kamiloiki Elementary School; Lisa Hockenberger, Kalihi-Kai Elementary School; Janet Itano, Aina Haina Elementary School; Inga Kelly, Moanalua High School; Cristy Kessler, Education Lab School; Jill Laboy, Kailua High School; Sallie Lee, Lanakila Elementary School; David Mecham, Waimea High School; Melinda O'Herron, Konawaena Middle School; Carolyn Okunaga, Mililani High School; Dianne Pang, Aliiolani Elementary School; Margaret Prevenas, Kalama Intermediate School; Helie Rock, Keaau High School; Julie Shirai, Pearl Ridge Elementary School; Amber Strong, Kailua High School; Marla Thompson, Waianae High School; Patricia Uehara, Kealakehe Elementary School; Mark Watanabe, Keaau High School; Jennifer Williams, Roosevelt High School; and Ms Zami-Perez, Waialua Elementary School.

I offer my heartfelt congratulations to them all. They have worked very hard to earn the designation, National Board Certified Teacher.

The National Board for Professional Teaching Standards, the organization that confers this designation, is a teacher-led association, which grants national certification to a teacher only after a very rigorous and comprehensive process. It requires the preparation of a portfolio featuring actual videotaped classroom lessons, including a written analysis of the lesson, lesson plans and student work samples. The teacher must also submit written discussion, analysis, and reflective commentaries concerning curriculum and practices used in the classroom. A third component of the portfolio includes records of activities benefiting the larger school community, including

families and activities that help to improve the teaching profession. Also required for this certification is successful completion of a rigorous set of examinations assessing the content knowledge of the teacher. This is a very arduous process requiring a commitment of up to 400 hours. However, in Hawaii help is available. The Hawaii Teacher Standards Board, along with the Hawaii State Teachers Association, provides support groups for teachers undertaking this process. These sessions are held on the islands of Oahu, Maui, Kauai and the Big Island, and they provide a support network for candidates as they go through the certification process. Most often support is offered through a qualified facilitator, a teacher who has already earned the designation of National Board Certified Teacher. These support networks are also places to meet with and support other teachers undergoing the same process. This assistance goes a long way in making this very difficult process possible.

National Board Certification does not replace the teacher licensure requirements as maintained by the Hawaii Teacher Standards Board, but instead identifies the recipient as an exemplary practitioner, someone at the top of his or her profession. It signifies the teacher as someone who is a recognized leader in the art and science of teaching. Research has shown time and again that students in classrooms with National Board Certified Teachers do better on assessments than do students in classrooms not staffed with nationally certified teachers. It is the only nationally based teacher evaluation and certification program to successfully undergo a scientifically based set of evaluations and to have shown improved results for students. I am very proud to honor these newly recognized teachers.

At a time when the country is working to improve education, when the No Child Left Behind Act is demanding a highly qualified teacher in every classroom, where schools, districts and states are required to make adequate yearly progress, where students are increasingly required to demonstrate achievement as measured by high stakes testing in order to graduate from high school, where districts and states are working to find, hire and retain professionals in this very difficult field, and where research has shown the knowledge and ability of the classroom teacher is the most important factor affecting the learning of the students, I am proud to say to these newly certified teachers "Well Done" and "Mahalo Nui Loa."•

#### RECOGNIZING COMMANDER ROBERT H. PACKARD

• Mr. ALLEN. Mr. President, I am pleased today to recognize Commander Robert H. Packard, of Charlottesville, VA, who has served honorably in the U.S. Navy for 40 years.

Robert Packard followed his father's footsteps in joining the proud tradition that is the U.S. Navy when he was sworn in by his father in 1966. In 1974, Packard graduated with a bachelors of science degree from the McIntire School of Commerce at the University of Virginia while serving in the Naval Reserve. After serving various tours, Packard became commanding officer of the Mobile Mine Assembly Group from 1988 to 1992 in Yorktown, VA, where his unit received the REDCOM SIX award for the Best Small Unit, the Most Improved Unit and the Best Small Unit with over 50 percent enlisted. He served in Desert Storm from 1992 to 1994 and then from 1994 to 1997 Packard served as commanding officer of a medical logistics unit in Newport News, VA. Packard concluded his service with the Navy at the Pentagon as a commander assigned to the OPNAV N86 staff.

Commander Packard's leadership and dedication to preserving the freedoms and liberties that make this country so great is truly admirable. I am grateful for Commander Packard's service and contributions to the United States and to the Commonwealth of Virginia.●

#### CONGRATULATING CHAMPIONS FOR HEALTHY KIDS WINNERS

• Mr. BUNNING. Mr. President, today I wish to congratulate three Kentucky organizations: Pendleton County Education Foundation in Falmouth; Healthy Schools Inc. in Louisville; and Paducah Park Services. These three organizations have recently been named Champions for Healthy Kids winners.

Champions for Healthy Kids is a long-term grants program designed to instill good nutrition and fitness habits among our youth. The program calls on community groups to champion the health of our young people by developing innovative fitness and nutrition programs that can have a lifelong impact.

I congratulate Pendleton County Education Foundation, Healthy Schools Inc., and Paducah Park Services for their achievements. Everyone involved in these organizations are an inspiration to the citizens of Kentucky. I look forward to all that these organizations accomplish in the future.●

#### HONORING IBM'S 50TH ANNIVERSARY

• Mr. COLEMAN. Mr. President, I ask the Senate to join me today in honoring the 50 years of public contribution by an innovative technology company started in Rochester, MN, in 1956. International Business Machines, more commonly known internationally as IBM, has made economic growth possible in a competitive and continually changing marketplace.

In 1956, when IBM President Thomas Watson, Jr., met with 40 Rochester business and civic leaders at the Kahler Hotel to establish a new IBM facility, they probably never envisioned that

Rochester would become home to the world's fastest computer named "Blue Gene" that would be able to perform 18.2 trillion operations per second. They probably could not have dreamed that 50 years later IBM would become Minnesota's largest information firm, with 5,600 employees in the Rochester and Twin Cities areas. And they probably could not have imagined that the plant they were planning would account for 15 percent of Minnesota's high-tech manufactured exports, in a State that continues to lead the field in technology.

IBM has spent 50 years growing into a world wide corporation which contributes to our economy at an astounding level. In 2005, IBM earned more U.S. patents than any other company for the 13th consecutive year, with 2,941 in 2005. IBM ensures that our Nation stays competitive in the global economy. Rochester has helped lead that wave of innovation.

IBM and its employees and retirees have also been generous supporters of education and nonprofit organizations. Through cash and technology grants of \$3.4 million and more than 185,000 hours of volunteerism in 2005 alone, they have been a great benefit to Minnesota's communities and schools.

With the people of Minnesota, I ask this Chamber to join in celebrating IBM's 50th year of operation in Rochester, MN.●

#### CONGRATULATIONS TO SISTER CITIES

● Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate the cities of Saginaw, MI, and Tokushima, Japan, on the 45th anniversary of their sister city partnership. This is a significant milestone, and I am delighted to recognize these two cities for their many years of dialog and exchange.

In 1961, Saginaw and Tokushima established a relationship that sought to promote cultural awareness between the cities. Since that time, there has been significant interaction between the two cities, including student groups and other delegations traveling between the cities for cultural, educational and other purposes, as well as the exchange of gifts.

In 1971, the Tokushima-Saginaw Friendship Garden was built in Saginaw, and the land adjacent to the garden was subsequently deeded to the city of Tokushima. In 1985, a tea house was also built in Saginaw. Contractors and laborers from both cities were instrumental in its construction of the tea house and the labor costs were equally borne by both Saginaw and Tokushima. Upon its completion, the tea house became one of only 11 in the United States, and the only authentic tea house in the Midwest.

Promoting dialog and interaction between cities in the United States and other countries is a great way for communities to learn, understand and re-

late to other cultures. Through their Sister City Partnership, residents and officials of the cities of Saginaw and Tokushima now have a deeper and more personal appreciation for the traditions of both the United States and Japan. I know my colleagues join me in congratulating Saginaw and Tokushima on the 45 years of cultural exchange, and I wish them the best as this relationship continues to develop further.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

H.J. Res. 86. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 40. A resolution authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure.

The message further announced that the bill from the Senate (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention passed with an amendment, in which it requests the concurrence of the Senate.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4411. An act to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7458. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to McNeil Security, Inc. for screening services at Greater Rochester International Airport in Rochester, New York; to the Committee on Commerce, Science, and Transportation.

EC-7459. A communication from the Assistant Administrator, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's category rating system annual report; to the Committee on Commerce, Science, and Transportation.

EC-7460. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, (5) reports relative to vacancy announcements within the Department, received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7461. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of Unilateral Chemical/Biological (CB) Controls on Certain Biological Agents and Toxins; Clarification of Controls on Medical Products Containing Certain Toxins on the Australia Group (AG) Common Control Lists; Additions to the List of States Parties to the Chemical Weapons Convention (CWC)" (RIN0694-AD62) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7462. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization to Appoint Any Commerce Department Employee to be Appeals Coordinator in Certain Administrative Appeals" (RIN0694-AD78) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7463. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Final Rule; Correcting Amendment" (RIN0648-AU21) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7464. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 18 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-AT25) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7465. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources" (RIN0648-AU06) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7466. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Seasonal Closure of Chiniak Gully in the Gulf of Alaska to Trawl Fishing" (RIN0648-AU15) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7467. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Bottlenose Dolphin Take Reduction Plan and Revise the Mid-Atlantic Large Mesh Gillnet Rule" (RIN0648-AR39) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7468. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and Effort Controls" ((RIN0648-AT72)(I.D.# 020206C)) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7469. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Limited Access Program for Gulf Charter Vessels and Headboats" (I.D.# 021306C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7470. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D.# 052206A) received on June 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7471. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 060706B) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7472. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (I.D.# 060806A) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7473. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits" (I.D.# 101805C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7474. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 060706C) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7475. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Severn River and College Creek, Annapolis, Maryland" (RIN1625-AA87) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7476. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (19 Regulations)" (RIN1625-AA00) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7477. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 3 regulations): [CGD07-06-074], [CGD07-06-073], [CGD05-06-047]" (RIN1625-AA09) received on July 6, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7478. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of a draft bill to amend title 38, United States Code, to limit the prices of pharmaceuticals procured by the Federal Bureau of Prisons; to the Committee on the Judiciary.

EC-7479. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Denmark to the List of Regions Free of Exotic Newcastle Disease" (Doc. No. 02-089-3) received on July 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7480. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Standards for Approval of Warehouses for Storage of CCC Commodities" (RIN0560-AE50) received on July 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7481. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Attestations Regarding H-1B Visas" (RIN1205-AB38) received on July 6, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7482. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7483. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC-7484. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Angola; to the Committee on Banking, Housing, and Urban Affairs.

EC-7485. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's statement on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-7486. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on the Application of Section 409A to Accelerated Payments to Satisfy Federal Conflict of Interest Requirements" (Notice 2006-64) received on July 6, 2006; to the Committee on Finance.

EC-7487. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Issue Resolution Regarding the Work Opportunity and Welfare-to-Work Tax Credits" (Announcement 2006-49) received on July 6, 2006; to the Committee on Finance.

EC-7488. A communication from the Assistant Chief Counsel (Employee Benefits), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of the Amount Involved on Elective Deferrals" (Rev. Rul. 2006-38) received on July 6, 2006; to the Committee on Finance.

EC-7489. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revision of the Deadline for Submission of Emergency Graduate Medical Education Affiliation Agreements" (RIN0938-AO35) received on July 6, 2006; to the Committee on Finance.

EC-7490. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of a draft bill entitled "Martin Luther King, Jr. National Historical Park Designation Act"; to the Committee on Energy and Natural Resources.

EC-7491. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the 2005 Annual Report to the Congress on United Nations Peacekeeping; to the Committee on Foreign Relations.

EC-7492. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the April 15, 2006 through June 15, 2006 reporting period; to the Committee on Foreign Relations.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Report to accompany S. 3524, An original bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs, and for other purposes (Rept. No. 109-278).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2832. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965 (Rept. No. 109-279).

### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

\* Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011.

\* Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):

S. 3639. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3640. A bill to require the United States Court of International Trade to consider certain civil actions that were delayed because of the terrorist attacks of September 11, 2001; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3641. A bill to suspend temporarily the duty on certain woven fabrics of cotton, containing less than 85 percent by weight of cotton; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3642. A bill to suspend temporarily the duty on knitted or crocheted fabrics of cotton, printed; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3643. A bill to suspend temporarily the duty on certain woven fabrics of cotton, con-

taining less than 85 percent by weight of cotton, mixed mainly or solely with man-made fibers, weighing not more than 200 g/m<sup>2</sup>; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3644. A bill to suspend temporarily the duty on weft pile fabrics of cotton, other than uncut weft pile fabrics or cut corduroy; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3645. A bill to suspend temporarily the duty on certain artificial filament single yarn (other than sewing thread); to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3646. A bill to authorize the Secretary of the Interior to create a bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, Mr. MENENDEZ, and Mr. AKAKA):

S. 3647. A bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA-PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALLEN:

S. 3649. A bill to expedite the consideration of permits for refineries, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. DORGAN, Mr. KENNEDY, Ms. STABENOW, Mr. DAYTON, Mr. JOHNSON, Mrs. CLINTON, and Mr. AKAKA):

S. 3650. A bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Finance.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. COLEMAN, Mr. FEINGOLD, Mr. VOINOVICH, Mr. ALLEN, Mr. ALEXANDER, Mr. HAGEL, Mr. OBAMA, Mrs. DOLE, Mr. CORNYN, Ms. COLLINS, Mr. CHAFEE, Mrs. BOXER, Mrs. CLINTON, Mr. SARBANES, Mr. BROWNBACK, and Mr. SUNUNU):

S. Res. 527. A resolution condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy

and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 108. A concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution and other publications; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 267

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 267, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 342

At the request of Mr. MCCAIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 342, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 403

At the request of Mr. ENSIGN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 424

At the request of Mr. BOND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 463

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 463, a bill to deauthorize the project for navigation, Northeast Harbor, Maine.

S. 537

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1862

At the request of Mr. SMITH, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2155

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2155, a bill to provide meaningful civil remedies for victims of the sexual exploitation of children.

S. 2393

At the request of Mr. COLEMAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2393, a bill to

amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2409

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2409, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2484

At the request of Mr. OBAMA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2484, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Kansas (Mr. BROWNBACKE) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2590

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2661

At the request of Mr. MARTINEZ, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2661, a bill to provide for a plebiscite in Puerto Rico on the status of the territory.

S. 3496

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3496, a bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes.

S. 3519

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from

Colorado (Mr. SALAZAR) were added as cosponsors of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 3606

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3606, a bill to amend title XVIII of the Social Security Act to provide fair payments for care provided in a hospital emergency department.

S. 3617

At the request of Mr. INHOFE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3617, a bill to reauthorize the North American Wetlands Conservation Act.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. CON. RES. 96

At the request of Mr. BROWNBACKE, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 97

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 33

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 33, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 331

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 500

At the request of Mr. BROWNBACK, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. TALENT), the Senator from Oklahoma (Mr. COBURN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 507

At the request of Mr. BIDEN, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 507, *supra*.

S. RES. 508

At the request of Mr. LEAHY, his name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as "National Mammography Day".

At the request of Mr. ALLEN, his name was added as a cosponsor of S. Res. 508, *supra*.

At the request of Mr. BIDEN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 508, *supra*.

S. RES. 513

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 513, a resolution expressing the sense of the Senate that the President should designate the week beginning September 10, 2006, as "National Historically Black Colleges and Universities Week".

AMENDMENT NO. 4352

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 4352 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the De-

partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4550

At the request of Mr. SPECTER, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 4550 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4553

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, *supra*.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 4553 proposed to H.R. 5441, *supra*.

AMENDMENT NO. 4554

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4554 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4559

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 4559 proposed to H.R. 5441, *supra*.

AMENDMENT NO. 4561

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4561 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4574

At the request of Mr. COLEMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 4574 intended to be proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 4576

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr.

OBAMA), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4576 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mrs. FEINSTEIN):

S. 3639. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I join my colleague, from the Committee on Energy and Natural Resources, Senator DIANNE FEINSTEIN of California, in introducing the Reclaiming the Nation's Water Act—ReNew.

We introduce this bill after months of review of the Nation's program, now over a decade old, that attempts to encourage the reclamation and use of water. The Bureau's title XVI program originated in 1992 in response to the Southwestern drought of the late 1980s and early 1990s. At that time, Congress authorized the program in an attempt to alleviate pressure on the Colorado River system by augmenting existing supplies and developing new water sources.

Since then, Congress has authorized some 31 projects and appropriated about \$325 million for the program. During a February 28, 2006, hearing of the Senate Water and Power Subcommittee, the Congressional Research Service reported that only three of these projects have received full Federal funding and that 9 are listed as "inactive," meaning they have received little or no Federal moneys.

This massive backlog, which the Bureau of Reclamation has estimated will take at least 15 years to resolve, has not stopped local communities from seeking additional aid under the program. There are bills pending in Congress that would authorize an additional 19 projects—projects that will likely overwhelm the Bureau of Reclamation's budget, if they were all to be funded fully under the existing program.

In an effort to clarify the Federal role in developing new sources of water and in an effort to help local Government receive a dependable and timely supply of Federal assistance for truly worthy water reuse projects, we introduce this legislation to clarify and make permanent title XVI water reuse/reclamation/recycling grant assistance.

Briefly, the bill:

Amends the Reclamation and Wastewater and Groundwater Study and Facilities Act to provide standards and



procedures for the review of water reclamation and reuse projects. Under existing law, the title XVI program has operated without defined terms or specific purpose. This has led to confusion in recent years whether the title XVI program is primarily a demonstration program or was intended to finance permanent reclamation and reuse facilities. This legislation clarifies that the purpose of the title XVI program will be: (1) to assist in the development of permanent local and regional water reclamation and reuse projects; and (2) to further improve water reclamation and reuse technologies through research and demonstration activities.

The legislation also authorizes the Secretary of Interior to participate in opportunities for water reclamation and reuse, including water recycling and desalination activities in reclamation States. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review. New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

The bill as currently proposed also: (1) Strikes existing provisions providing for appraisal investigations and replaces them in part with a new planning and assistance program—\$4.4 million authorized annually—for non-Federal project sponsors electing to seek help in developing project proposals.

(2) Strikes existing provisions providing for feasibility investigations and replaces them with a new technical and financial review process for evaluating non-Federal sponsor project proposals. Deadlines are included for the technical and financial viability reviews, and a process is established for reporting and making recommendations to Congress on project proposals for funding.

(3) Clarifies that projects must be authorized for construction by the Congress before funds may be expended by the Secretary of the Interior for project construction.

(4) Limits the Federal cost-share for projects to the lesser of 20 percent or \$20 million of total project costs—the current limit is 25 percent or \$20 million—excluding operations and maintenance costs.

(5) And makes numerous technical and conforming amendments.

Mr. President, I look forward to working with my colleagues, Members

of the House, and the administration to perfect and move this bill through the process this year. I believe this bill will provide valuable assistance to local areas to increase the available supplies of potable water through the economic reuse and reclamation of water supplies, while providing an affordable and orderly process that will prove fairer to local communities and help them to receive federal assistance in a timely manner.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3639

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reclaiming the Nation's Water Act".

#### SEC. 2. PURPOSE; DEFINITIONS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

- (1) by striking section 1603;
- (2) by redesignating section 1602 as section 1603; and
- (3) by inserting after section 1601 the following:

#### "SEC. 1602. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this title are—

- "(1) to assist in the development of permanent local and regional water reclamation and reuse projects in—
- "(A) the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and
- "(B) the State of Hawaii; and
- "(2) to further improvements in water reclamation and reuse technologies through the conduct of—

- "(A) research; and
  - "(B) demonstration activities in the States and areas described in subparagraphs (A) and (B) of paragraph (1).
- "(b) DEFINITIONS.—In this title:

"(1) FINANCIALLY CAPABLE PROJECT SPONSOR.—The term 'financially capable project sponsor' means a non-Federal project sponsor that is capable of providing—

- "(A) the non-Federal share of the project costs; and
- "(B) 100 percent of the operations and maintenance costs of the project.

"(2) NON-FEDERAL PROJECT SPONSOR.—The term 'non-Federal project sponsor' means a State, regional, or local authority or other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association.

"(3) FEDERAL RECLAMATION LAWS.—The term 'Federal reclamation laws' means the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

"(4) RECLAIM; RECLAMATION.—The terms 'reclaim' and 'reclamation' include recycling and desalination.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(6) TECHNICALLY AND FINANCIALLY VIABLE PROJECT.—The term 'technically and financially viable project' means a project that—

- "(A) is a technically viable project; and
- "(B) has a financially capable project sponsor.

"(7) TECHNICALLY VIABLE PROJECT.—The term 'technically viable project' means a project that—

"(A) meets generally acceptable engineering, public health, and environmental standards; and

"(B) has obtained or is expected to obtain approval of all Federal, State, and local permits necessary for implementation of the project."

#### SEC. 3. GENERAL AUTHORITY.

Section 1603(a) of the Reclamation Wastewater and Groundwater Study and Facilities Act (as redesignated by section 2(2)), is amended—

(1) by striking "The Secretary of the Interior" and all that follows through "is directed to" and inserting "The Secretary, acting pursuant to Federal reclamation laws, shall";

(2) by striking "investigate and identify" and inserting "participate in"; and

(3) by striking "to conduct research, including desalting" and inserting "conduct research, including desalination".

#### SEC. 4. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by striking section 1604 and inserting the following:

#### "SEC. 1604. REVIEW OF PROPOSALS SUBMITTED BY NON-FEDERAL PROJECT SPONSORS.

"(a) AUTHORITY TO REVIEW.—The Secretary shall review any project proposal under this title that is—

"(1) developed by a non-Federal project sponsor—

- "(A) independently; or
- "(B) with the assistance of the Department of the Interior or any other governmental or nongovernmental entity; and

"(2) submitted or resubmitted to the Secretary by a non-Federal project sponsor, including a project proposal that has been previously reviewed for feasibility by the Secretary.

"(b) REQUIREMENTS.—In addition to complying with any requirements of other Federal laws, a project proposal submitted by a non-Federal project sponsor under this section shall—

"(1) provide sufficient evidence, as determined by the Secretary, to demonstrate that the project—

- "(A) is a technically viable project; and
- "(B) has a financially capable project sponsor; and

"(2) provide information on each of the factors described in subsection (d)(1)(B)(ii).

"(c) DETERMINATION OF FINANCIAL AND TECHNICAL VIABILITY.—

"(1) IN GENERAL.—Not later than 30 days after the date on which a non-Federal project sponsor submits a project proposal (including any supporting documentation) under subsection (a)(2), the Secretary shall provide to the non-Federal project sponsor written notice on whether the project proposal includes sufficient information under paragraph (2) for the Secretary to determine whether the proposed project is a technically and financially viable project.

"(2) CHECKLIST.—A project proposal shall include sufficient information for a determination under paragraph (1) if the proposal includes—

"(A) a map of the proposed project area and service area;

"(B) a project description or plan, including engineering plans;

"(C) the initial cost estimates for the project;

"(D) a financial plan for the project; and

"(E) a report on the status of any Federal, State, and local permits that are necessary to implement the project.

"(3) DETERMINATION OF INSUFFICIENT INFORMATION.—

“(A) IN GENERAL.—If the Secretary determines that there is insufficient information in the project proposal for the Secretary to determine whether the project is a technically and financially viable project—

“(i) the Secretary shall provide to the non-Federal project sponsor written notice that identifies any information that the Secretary determines to be necessary to make the determination; and

“(ii) the non-Federal project entity may submit a revised project proposal to the Secretary.

“(B) NOTIFICATION.—Not later than 21 days after the date on which a non-Federal project sponsor submits a revised proposal to the Secretary under subparagraph (A)(ii), the Secretary shall provide to the non-Federal project sponsor written notice that describes whether sufficient information has been provided to make a determination on whether the project is a technically and financially viable project.

“(d) NOTICE TO CONGRESS.—

“(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary shall submit to Congress a written notice of the findings of the Secretary that includes—

“(A) a statement and explanation of the determination on whether the project is a technically and financially viable project; and

“(B) a concise recommendation of the Secretary on whether the project should be authorized for construction, that is based on, but is not required to describe—

“(i) the results of the review of the project proposal under subsection (a); and

“(ii) the consideration of the following factors:

“(I) The cost per acre-foot of water to be produced by the project.

“(II) The quality and quantity of water to be produced by the project.

“(III) The cost-effectiveness of the project compared with other available alternatives, including whether other comparatively cost-effective alternatives for meeting a significant water supply need for the project exist.

“(IV) Any environmental benefits or adverse effects of the project.

“(V) The extent to which the project would help serve an identified Federal interest.

“(VI) The extent to which the project would provide regional benefits.

“(VII) Whether the project demonstrates innovative or alternative technologies or processes relating to water treatment or waste minimization and management.

“(2) AVAILABILITY.—To ensure that the determination and recommendation submitted under paragraph (1) are made publicly available, the Secretary shall—

“(A) transmit a copy of the written notice under paragraph (1) to—

“(i) the Committee on Energy and Natural Resources of the Senate; and

“(ii) the Committee on Resources of the House of Representatives; and

“(B) publish in the Federal Register notice of the availability of the written notice.

“(e) REVISIONS TO PROPOSAL.—

“(1) IN GENERAL.—If the Secretary determines under subsection (d)(1)(A) that a project is not a technically and financially viable project, the Secretary shall not be required to conduct further analysis of the project until the non-Federal project sponsor—

“(A) conducts an additional investigation of the project; and

“(B) resubmits a revised project proposal in accordance with this section.

“(2) COSTS.—The non-Federal project sponsor shall pay any costs associated with revising the project proposal under paragraph (1).

“(f) CONGRESSIONAL DETERMINATION AND AUTHORIZATION.—

“(1) CONGRESSIONAL DETERMINATION.—Congress may make the determination on whether to authorize a project under this title if—

“(A) the Secretary submits the written notice under subsection (d)(1);

“(B) by the date that is 60 days after the date on which a non-Federal project sponsor submits a project proposal under subsection (a)(2), the Secretary does not submit written notice to the non-Federal project sponsor under subsection (c)(1); or

“(C) by the date that is 180 days after the date on which the Secretary determines that a project proposal includes sufficient information to make a determination on whether the project is a technically and financially viable project, the Secretary does not submit the written notice under subsection (d)(1).

“(2) CONGRESSIONAL AUTHORIZATION.—Nothing in this section precludes Congress from authorizing a project under this title.

“(g) TRANSITION PROVISIONS.—

“(1) IN GENERAL.—A non-Federal project sponsor that has submitted to the Secretary for review a feasibility study for a project under this title before the date of enactment of the Reclaiming the Nation's Water Act may—

“(A) submit a new project proposal for approval under subsection (a); or

“(B) notify the Secretary in writing that the non-Federal project sponsor elects to seek approval of the project using the previously submitted feasibility study.

“(2) SUPPLEMENTAL INFORMATION.—If the non-Federal project sponsor makes the election under paragraph (1)(B), the non-Federal project sponsor may supplement the previously submitted feasibility study to provide additional information—

“(A) on whether the project is a technically and financially viable project; and

“(B) to address each of the factors described in subsection (d)(1)(B)(ii).

“(3) DETERMINATION OF TECHNICAL AND FINANCIAL VIABILITY.—Not later than 90 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall determine whether the project is a technically and financially viable project.

“(4) NOTICE TO CONGRESS.—Not later than 180 days after the date on which the Secretary receives notice of an election under paragraph (1)(B), the Secretary shall submit to Congress written notice on the determination and recommendation of the Secretary with respect to the proposal in accordance with subsection (d).”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-13) is amended—

(1) in subsection (b)(1)—

(A) by striking “may not be appropriated” and inserting “may not be expended by the Secretary”; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

“(A) Congress has authorized the construction of the project;

“(B) the Secretary has determined that the project has a financially capable project sponsor; and”;

(2) in subsection (c), by striking “the non-Federal project sponsor” and all that follows through “project's costs” and inserting “the project has a financially capable project sponsor”;

(3) by adding at the end the following:

“(e) LIMITATION ON NEW PROJECTS.—

“(1) IN GENERAL.—The Federal share of the total costs of any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act shall be not more than 20 percent.

“(2) OPERATION AND MAINTENANCE COSTS.—No Federal funds shall be used to pay the costs of operating and maintaining any project authorized under this title after the date of enactment of the Reclaiming the Nation's Water Act.

“(f) DEAUTHORIZATION.—Any project authorized under this title that has not received Federal funding by the date that is the later of the date that is 10 years after the date of enactment of the Reclaiming the Nation's Water Act or 10 years after the date on which construction of the project is authorized shall be deauthorized.”.

#### SEC. 6. REUSE PLANNING ASSISTANCE PROGRAM.

The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

##### “SEC. 1639. REUSE PLANNING ASSISTANCE PROGRAM.

“(a) IN GENERAL.—The Secretary may cooperate with any non-Federal project sponsor in the preparation of any plan (including a project proposal) for the development of reclaimed water for reuse applications or environmental benefits that are in the public interest, as determined by the Secretary.

“(b) AGREEMENT.—

“(1) IN GENERAL.—At the request of a non-Federal project sponsor, the Secretary may enter into an agreement with the non-Federal project sponsor to provide for the preparation of a project proposal for review under section 1604(a).

“(2) REQUIREMENTS.—Any project proposal prepared under an agreement entered into under paragraph (1) shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including any regulations promulgated to carry out that Act.

“(3) CONSULTATION.—The Secretary shall consult and cooperate with appropriate Federal, State, regional, and local entities during the development of each project proposal prepared under an agreement entered into under paragraph (1).

“(c) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than \$4,400,000 for fiscal year 2007 and each fiscal year thereafter, of which—

“(A) not more than \$500,000 shall be expended in any 1 fiscal year for a plan for any 1 project; and

“(B) not more than a total of \$1,000,000 shall be made available to a non-Federal project sponsor to prepare a plan for any 1 project.

“(2) FEDERAL SHARE.—The Federal share of the total costs of any plan for a project prepared under an agreement entered into under subsection (b)(1) shall be not more than 50 percent.”.

#### SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended—

(1) in section 1612(a) (43 U.S.C. 390h-10(a)), by striking “California or” and inserting “California, or”;

(2) in section 1632(a) (43 U.S.C. 390h-14(a))—

(A) by striking “Secretary of the Interior” and inserting “Secretary”; and

(B) in paragraph (2), by striking the comma and inserting a semicolon.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended—

(1) by striking the items relating to sections 1602 through 1604 and inserting the following:

“Sec. 1602. Purposes; Definitions.

“Sec. 1603. General authority.

“Sec. 1604. Review of proposals submitted by non-Federal project sponsors.”;

and

(2) by inserting after the item relating to section 1638 the following:

“Sec. 1639. Reuse planning assistance program.”.

Mrs. FEINSTEIN. Mr. President. I rise today to join my distinguished colleague, Senator MURKOWSKI, chair of the Subcommittee on Water and Power, Committee on Energy and Natural Resources, in introducing legislation to provide new authority and streamlined review criteria for the Bureau of Reclamation's title XVI Water Recycling Program.

I first want to thank Senator MURKOWSKI for her leadership in this area. I deeply appreciate her willingness to work with me on this issue.

I also want to thank my California colleague and friend, Representative GRACE NAPOLITANO, ranking member on the Water and Power Subcommittee, who is introducing identical companion legislation in the House of Representatives today.

This legislation is an outgrowth of subcommittee oversight hearings last February and is the product of more than 2 years of discussion, evaluation, and consultation with the Bureau of Reclamation as well as numerous water agencies and communities.

Today, the West faces two daunting challenges simultaneously. The first is drought and the impacts of continued climate gyration—wild swings in previously established weather patterns. The second is the unprecedented growth throughout California and the Western States. Population continues to not just grow but surge throughout this region.

The title XVI, Water Recycling Program enables water users in the West to stretch existing supplies through the application of reclamation, reuse, recycling and desalination technologies.

Title XVI was initially authorized in 1992, following a severe multiyear drought in California and other Western States. A drought of equal severity reduced the mighty Colorado River to record lows only a few years ago. We must find ways to expand our water supplies, and do so without generating regional or environmental conflict. Reusing our existing supplies and stretching those supplies is a significant part of the solution. The title XVI program provides the authority and framework to accomplish these water resource development objectives to meet the needs of our cities and urban areas, our farms and ranches and our diverse environment.

This legislation clarifies and makes permanent the U.S. Department of the Interior and Bureau of Reclamation's title XVI water reuse/reclamation/recy-

cling grant authority for the development of new sources of water. In so doing, this proposed legislation will help State and local governments and water departments and agencies develop new water and reliable water supplies.

The bill amends the Reclamation and Wastewater and Groundwater Study and Facilities Act, 1992, to provide new standards and procedures for the review of water reclamation and reuse projects by the Interior Department's Bureau of Reclamation. Additionally, the legislation sets forth specific criteria to assist Congress in the evaluation and selection of projects for Federal funding.

In the recent past, the Bureau of Reclamation was not able to review and report on proposed projects in a timely fashion. This legislation establishes firm deadlines, a clear process, and very specific criteria by which project reviews are to be conducted.

This program, unlike traditional Bureau of Reclamation project funding, provides a grant, not to exceed 20 percent of the capital costs or \$20 million making this the most leveraged and most cost-shared Federal water resources program. In setting the 20 percent cap, this legislation reduces the overall percentage Federal participation to 20 percent from the 1992 standard of 25 percent to enable more projects to receive Federal cost-share support.

Reclaiming the Nation's Water Act is designed to accomplish one major objective—development of new water supplies responsibly—and in a timely manner. From a California perspective, this legislation compliments and is fully consistent with the recently published California Water Plan Update 2005—published in 2006—by California Department of Water Resources and the 2002 State of California's Water Recycling Task Force, Water Recycling 2030. Both reports conclude that a significant portion of new water to be developed in California will come from water recycling.

Throughout the Nation's more than 200-year history, water conflicts in the West have “erupted” periodically. This program is designed to reduce conflict through sound planning, improved management, expanding existing supplies, leveraged financing and meaningful partnerships.

The Subcommittee on Water and Power will hold a hearing on this proposed legislation later this month. At that time, the subcommittee will also hear testimony on three proposed projects, one each in Riverside, Orange and San Bernardino Counties. I have carefully reviewed these projects. They are designed to produce approximately 300,000 acre-feet of new water annually. These projects simultaneously reduce pressure on the Bay Delta—and other Federal and State water users dependent on the water from the delta—as well as the Colorado River. They will help drought-proof their water service areas.

Not too long ago, in a speech delivered at a WaterReuse Association conference, John Keys, the recently retired Commissioner, Bureau of Reclamation, called recycled water The Last River to Tap. Commissioner Keys was right.

I would like to provide some additional detail on the legislation. The legislation provides new authority for the Secretary of the Interior to review non-Federal water reclamation and reuse project proposals, pursuant to new standards and procedures for such review.

New standards would include providing sufficient evidence to the Secretary of Interior that the project: (1) is technically viable and (2) has a financially capable project sponsor. The Secretary would have 180 days to submit to Congress: (1) a statement and explanation of the project's technical and financial viability, and (2) a recommendation on whether the project should be authorized for construction based on several specific factors. Factors to be considered would range from items related to project costs and benefits, to whether the project would help serve an identified Federal interest. The bill also includes transition procedures.

This program is vital to the West's future. I look forward to working with Senator MURKOWSKI and my colleagues on the Energy Committee. I want to also thank Energy Committee Chairman PETE DOMENICI and the committee's ranking member, Senator JEFF BINGAMAN for their support and assistance in the preparation of this legislation.

By Mrs. FEINSTEIN:

S. 3646. A bill to authorize the Secretary of the Interior to create a bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President. I rise today to introduce the North Bay Water Reuse Program Act of 2006. The act would authorize an innovative program to protect the environment while meeting the future water needs of urban and agricultural water users in the North Bay region of California for years to come.

As regulations continue to tighten restrictions on wastewater discharges into the San Francisco Bay, communities are faced with major financial challenges as they determine the best way to discharge their treated wastewater. At the same time, agricultural producers in the North Bay region are facing serious water shortages resulting from a serious overdraft of groundwater. The North Bay Water Reuse Program will solve both problems together.

When completed, the North Bay Water Reuse Program will provide for

the collection and conveyance of treated urban wastewater to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year. The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve instream flows for riparian habitat and fisheries recovery.

In the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for restoration of wetland habitat in the former Cargill Salt Ponds.

This reclaimed water that would be applied productively to vineyards, fields and wetlands is now being discharged as treated wastewater into the San Francisco Bay-Delta Estuary. The North Bay Water Reuse Program will benefit the ecosystem of the bay by providing a cost-effective, environmentally sound alternative for the disposal of urban wastewater.

The legislation I am introducing today allows for the Federal participation of the first phase of this long-term regional project. This cost-shared water reclamation and reuse program is the first of its kind in Northern California, and the first to provide water primarily for agricultural and environmental uses. It is supported by the local governments in three counties—Napa, Sonoma and Marin—that have joined together to undertake the project. Agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, and the North Bay Agriculture Alliance, support the program. And environmental organizations, such as The Bay Institute, likewise endorse the program.

The North Bay Water Reuse Program brings together stakeholders that are usually at odds with one another and provides an ideal solution to guarantee water to the environment and agricultural producers, and simultaneously providing regulatory relief to wastewater agencies.

I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3646

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “North Bay Water Reuse Program Act of 2006”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

- (A) Marin County;
- (B) Napa County;
- (C) Solano County; or

(D) Sonoma County.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of California.

(4) **WATER RECLAMATION AND REUSE PROJECT.**—The term “water reclamation and reuse project” means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

- (A) water quality improvement;
- (B) wastewater treatment;
- (C) water reclamation and reuse;
- (D) groundwater recharge and protection;
- (E) surface water augmentation; or
- (F) other related improvements.

#### SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through a cooperative agreement with the State or a subdivision of a State, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) **COORDINATION WITH OTHER FEDERAL AGENCIES.**—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

- (1) non-Federal entities; and
- (2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) **COOPERATIVE AGREEMENT.**—

(1) **REQUIREMENTS.**—A cooperative agreement entered into under paragraph (1) shall, at a minimum, specify the responsibilities of the Secretary and the eligible entity with respect to—

- (A) ensuring that the cost-share requirements established by subsection (e) are met;
- (B) completing—
  - (i) a needs assessment for the water reclamation and reuse project; and
  - (ii) the planning and final design of the water reclamation and reuse project;
- (C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administering any contract relating to the construction of the water reclamation and reuse project.

(2) **PHASED PROJECT.**—

(A) **IN GENERAL.**—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) **FIRST PHASE.**—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) **SECOND PHASE.**—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, designing, conducting related preconstruction activities for, and constructing a water reclamation and reuse project.

(2) **USE.**—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) **COST-SHARING REQUIREMENT.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of any activity or construction

carried out using amounts made available under this section shall be not more than 25 percent of the total cost of a water reclamation and reuse project.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

- (i) used for planning, design, and construction of the water reclamation and reuse project facilities; and
- (ii) owned by an eligible entity.

(f) **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(1) **IN GENERAL.**—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.**—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) **EFFECT.**—Nothing in this Act—

- (1) affects or preempts—
  - (A) State water law; or
  - (B) an interstate compact relating to the allocation of water; or
- (2) confers on any non-Federal entity the ability to exercise any Federal right to—
  - (A) the water of a stream; or
  - (B) any groundwater resource.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or \$25,000,000, whichever is less, to remain available until expended.

By Mr. DORGAN (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. CLINTON, Mr. MENENDEZ, and Mr. AKAKA):

S. 3647. A bill to amend title XVIII of the Social Security Act to waive the monthly beneficiary premium under a prescription drug plan or an MA-PD plan during months in which an individual enrolled in such a plan has a gap in prescription drug coverage; to the Committee on Finance.

Mr. DORGAN. Mr. President, nearly one-third of Medicare beneficiaries are going to become all too familiar with what is called the “doughnut hole” over the next several months. The doughnut hole is a gap in coverage that exists in most Medicare prescription drug plans.

Here is how the doughnut hole works: Under most plans, Medicare will pay for 75 percent of drug costs up to \$2,250 after an initial \$250 deductible. But then Medicare pays nothing until drug expenses exceed \$5,100. During this gap in coverage, beneficiaries continue to pay monthly premiums but get no drug coverage at all. I think this is unfair.

That is why I am introducing the Prescription for Fairness Act. This legislation is simple. It says seniors should not have to pay monthly premiums during the time when they have

no drug coverage. The legislation would waive the monthly premium for any month that a senior is trapped in the doughnut hole.

The legislation will help people like Mrs. McLain, an 88-year-old woman who lives in a long-term care facility in Bottineau, ND. She enrolled in the Medicare prescription drug benefit earlier this year. Her brother, who helps pay her health care bills, was recently contacted by their local pharmacist. The pharmacist explained that Mrs. McLain no longer has Medicare drug coverage and must pay about \$500 every month for her diabetes medications. This is not an expense that they had planned for, nor one they can afford. They did not realize that this coverage gap existed when they enrolled in the plan. This is one of countless stories that we will hear over the next several months as seniors fall into this coverage gap.

Some will say that beneficiaries trapped in the doughnut hole should have selected plans that provide better coverage. I think it is unfair to blame beneficiaries for selecting the wrong plan. A new report by the Government Accountability Office found that the call centers operated by the Medicare prescription drug plan sponsors only gave accurate and complete information to callers about one-third of the time. More than one in five callers received completely inaccurate information.

It is worth noting that the Prescription for Fairness Act will have no effect on the bottom lines of the participating Medicare prescription drug plans. Under the legislation, the Secretary of the Department of Health and Human Services will simply pay the monthly premium on behalf of the beneficiary. It is offset by reducing the Medicare stabilization fund. This fund is completely unnecessary. It is a \$10 billion pot of money that was added to the Medicare Modernization Act to provide bonus payments and incentives to managed care companies to enter the Medicare market. It is time that Congress provides a safety net for seniors, not health plans.

This legislation merely provides seniors some relief in the short term. The legislation would expire after fiscal year 2008. This Congress still needs to close the doughnut hole. In October, I joined Senator BILL NELSON to introduce the Medicare Prescription Drug Gap Reduction Act, which would allow the Secretary of Health and Human Services to negotiate fair drug prices and the savings would be used to eliminate the doughnut hole. Believe it or not, the Medicare Modernization Act contained a provision that explicitly prohibits the government from using its market clout to negotiate for fair drug prices for our seniors.

I am hopeful that the Senate will take up the Medicare Prescription Drug Gap Reduction Act. In the meantime, let's make sure seniors are not charged for a benefit that they are not

receiving. The Prescription for Fairness Act does just that.

I am pleased to be joined by Senators BINGAMAN, STABENOW, LAUTENBERG, JOHNSON, MIKULSKI, CLINTON, MENENDEZ and AKAKA in introducing this important legislation. I am also pleased that Families USA has endorsed this legislation.

I ask for unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3647

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription for Fairness Act of 2006".

#### SEC. 2. WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.

(a) IN GENERAL.—Section 1860D-13(a) of the Social Security Act (42 U.S.C. 1395w-113(a)) is amended by adding at the end the following new paragraph:

“(7) WAIVER OF MONTHLY BENEFICIARY PREMIUM DURING COVERAGE GAP.—

“(A) IN GENERAL.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, in the case of an individual enrolled in a prescription drug plan or an MA-PD plan which does not provide any coverage of benefits after the individual has reached the initial coverage limit under paragraph (3) of section 1860D-2(b) and before the individual has reached the annual out-of-pocket threshold specified in paragraph (4)(B) of such section, the following rules shall apply:

“(i) The individual is not responsible for payment of the monthly beneficiary premium (as computed under paragraph (2) and adjusted under paragraph (1)) under such a plan for any month during which such coverage is not provided.

“(ii) The Secretary shall provide for payment of such monthly beneficiary premium under such a plan on behalf of such an individual for any month described in clause (i). Such payment shall be made from the Medicare Prescription Drug Account.

“(B) REFUND OF PREMIUMS PAID.—In the case of such an individual who pays the monthly beneficiary premium under such a plan for a month during which such coverage is not provided, the Secretary shall refund an amount equal to the premium paid. Such refund shall be made from such Account.”

(b) CONFORMING AMENDMENTS.—Section 1854(b)(1) of the Social Security Act (42 U.S.C. 1395w-24(b)(1)) is amended—

(1) in subparagraph (A), by inserting “and, if applicable, the waiver under subparagraph (D)” after “subparagraph (C)”; and

(2) by adding at the end the following new subparagraph:

“(D) WAIVER OF MA MONTHLY PRESCRIPTION DRUG BENEFICIARY PREMIUM.—During the period beginning on the date of enactment of the Prescription for Fairness Act of 2006 and ending on September 30, 2008, the provisions of section 1860D-13(a)(7) shall apply to the MA monthly prescription drug beneficiary premium in the same manner as they apply to the monthly beneficiary premium under such section.”

#### SEC. 3. REDUCTION OF MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND AMOUNT.

(a) IN GENERAL.—Section 1858(e)(2) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)) is amended—

(1) in subparagraph (A)(i), by striking “There shall” and inserting “Subject to subparagraph (E), there shall”; and

(2) by adding at the end the following new subparagraph:

“(E) REDUCTION IN INITIAL FUNDING TO OFFSET COST OF WAIVER OF PRESCRIPTION DRUG PREMIUM.—The Secretary shall reduce the amount available under subparagraph (A)(i) by an amount equal to the Secretary's estimate of the increased expenditures from the Medicare Prescription Drug Account by reason of the amendments made by section 2 of the Prescription for Fairness Act of 2006.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2181).

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3648. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today with my good friend and colleague, Senator BINGAMAN, to introduce the Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006, an important piece of legislation for some of our constituents, the people of the Pueblo of Isleta.

The Pueblo filed suit against the United States under Public Law 104-198, which conferred jurisdiction on the U.S. Court of Federal Claims with respect to land claims of the Pueblo of Isleta Indian Tribe, alleging loss and injury to the Pueblo's lands and property interests because of mismanagement by the Federal Government. The parties to the suit have spent several years reviewing and discussing these allegations, and this year the Pueblo of Isleta, the U.S. Department of Justice, and the U.S. Department of Interior have come to an agreement on how to resolve those claims. The legislation I am introducing today with Senator BINGAMAN will codify the parties' agreement.

Under the terms of the settlement agreement, the parties have agreed on how to use the funds paid to the Pueblo of Isleta. Some of the funds will be used for drainage and remediation of the Pueblo's agricultural lands that have been waterlogged. Some of the funds will be spent to rehabilitate and remediate the Pueblo's forest lands. Other funds will be used for the acquisition, restoration, improvement, development, and protection of land, natural resources and cultural resources of the Pueblo and for the payment and reimbursement of expenses incurred in connection with this lawsuit.

The Pueblo of Isleta, the Department of Interior, and the Department of Justice have worked long and hard to resolve this matter. I believe Congress should act expeditiously to ratify the agreement they have reached.

I ask unanimous consent that the text of the bill be printed in the RECORD

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3648

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006”.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is pending before the United States Court of Federal Claims a civil action filed by the Pueblo against the United States in which the Pueblo seeks to recover damages pursuant to the Isleta Jurisdictional Act;

(2) the Pueblo and the United States, after a diligent investigation of the Pueblo claims, have negotiated a Settlement Agreement, the validity and effectiveness of which is contingent on the enactment of enabling legislation;

(3) certain land of the Pueblo is waterlogged, and it would be to the benefit of the Pueblo and other water users to drain the land and return water to the Rio Grande River; and

(4) there is Pueblo forest land in need of remediation in order to improve timber yields, reduce the threat of fire, reduce erosion, and improve grazing conditions.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve the drainage of the irrigated land, the health of the forest land, and other natural resources of the Pueblo; and

(2) to settle all claims that were raised or could have been raised by the Pueblo against the United States under the Isleta Jurisdictional Act in accordance with section 5.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ISLETA JURISDICTIONAL ACT.—The term “Isleta Jurisdictional Act” means Public Law 104-198 (110 Stat. 2418).

(2) PUEBLO.—The term “Pueblo” means the Pueblo of Isleta, a federally-recognized Indian tribe.

(3) RESTORATION FUND.—The term “Restoration Fund” means the Pueblo of Isleta Natural Resources Restoration Fund established by section 4(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the Agreement of Compromise and Settlement entered into between the United States and the Pueblo dated July 12, 2005, as modified by the Extension and Modification Agreement executed by the United States and the Pueblo on June 22, 2006, to settle the claims of the Pueblo in Docket No. 98-166L, a case pending in the United States Court of Federal Claims.

#### SEC. 4. PUEBLO OF ISLETA NATURAL RESOURCES RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the “Pueblo of Isleta Natural Resources Restoration Fund”, consisting of—

(1) such amounts as are transferred to the Restoration Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Restoration Fund under subsection (d).

(b) TRANSFERS TO RESTORATION FUND.—Upon entry of the final judgment described in section 5(b), there shall be transferred to the Restoration Fund, in accordance with conditions specified in the Settlement Agreement and this Act—

(1) \$32,838,750 from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code; and

(2) in addition to the amounts transferred under paragraph (1), at such times and in such amounts as are specified for that purpose in the annual budget of the Department of the Interior, authorized to be appropriated by subsection (f), and made available by an Act of appropriation, a total of \$7,200,000.

(c) DISTRIBUTION OF AMOUNTS FROM RESTORATION FUND.—

(1) APPROPRIATED AMOUNTS.—

(A) IN GENERAL.—Subject to paragraph (3), upon the request of the Pueblo, the Secretary shall distribute amounts deposited in the Restoration Fund pursuant to section V of the Settlement Agreement and subsection (b)(2), in accordance with the terms and conditions of the Settlement Agreement and this Act, on the condition that the Secretary, before any such distribution, receives from the Pueblo such assurances as are satisfactory to the Secretary that—

(i) the Pueblo shall deliver funds in the amount of \$7,100,000 toward drainage and remediation of the agricultural land and rehabilitation of forest and range land of the Pueblo in accordance with section IV(C) and IV(D) of the Settlement Agreement; and

(ii) those funds shall be available for expenditure for drainage and remediation expenses as provided in sections IV(C) and IV(D) of the Settlement Agreement on the dates on which the Secretary makes distributions, and in amounts equal to the amounts so distributed, in accordance with sections IV(A) and IV(B) of the Settlement Agreement.

(B) USE OF FUNDS.—Of the amounts distributed by the Secretary from the Restoration Fund under subparagraph (A)—

(i) \$5,700,000 shall be available to the Pueblo for use in carrying out the drainage and remediation of approximately 1,081 acres of waterlogged agricultural land, as described in section IV(A) of the Settlement Agreement; and

(ii) \$1,500,000 shall be available to the Pueblo for use in carrying out the rehabilitation and remediation of forest and range land, as described in section IV(B) of the Settlement Agreement.

(C) FEDERAL CONSULTATION.—Restoration work carried out using funds distributed under this paragraph shall be planned and performed in consultation with—

(i) the Bureau of Indian Affairs; and

(ii) such other Federal agencies as are necessary.

(D) UNUSED FUNDS.—Any funds, including any interest income, that are distributed under this paragraph but that are not needed to carry out this paragraph shall be available for use in accordance with paragraph (2)(A).

(2) AMOUNTS FROM JUDGMENT FUND.—

(A) IN GENERAL.—Subject to paragraph (3), the amount paid into the Restoration Fund under subsection (b)(1), and interest income resulting from investment of that amount, shall be available to the Pueblo for—

(i) the acquisition, restoration, improvement, development, and protection of land, natural resources, and cultural resources within the exterior boundaries of the Pueblo, including improvements to the water supply and sewage treatment facilities of the Pueblo; and

(ii) for the payment and reimbursement of attorney and expert witness fees and expenses incurred in connection with Docket No. 98-166L of the United States Court of Federal Claims, as provided in the Settlement Agreement.

(B) NO CONTINGENCY ON PROVISION OF FUNDS BY PUEBLO.—The receipt and use of funds by

the Pueblo under this paragraph shall not be contingent upon the provision by the Pueblo of the funds described in paragraph (1)(A)(i).

(3) EXPENDITURES AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—Subject to clause (ii), the Pueblo may withdraw all or part of the Restoration Fund on approval by the Secretary of a tribal management plan in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan described in clause (i) shall require that the Pueblo shall expend any funds withdrawn from the Restoration Fund under this paragraph in a manner consistent with the purposes described in the Settlement Agreement.

(B) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan described in subparagraph (A)(i) to ensure that any funds withdrawn from the Restoration Fund under this paragraph are used in accordance with this Act.

(C) LIABILITY.—If the Pueblo exercises the right to withdraw funds from the Restoration Fund under this paragraph, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the accounting, disbursement, or investment of the funds withdrawn.

(D) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portion of the funds in the Restoration Fund made available under this Act that the Pueblo does not withdraw under this paragraph.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Pueblo remaining in the Restoration Fund will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Settlement Agreement.

(E) ANNUAL REPORT.—The Pueblo shall submit to the Secretary an annual report that describes expenditures from the Restoration Fund during the year covered by the report.

(d) MAINTENANCE AND INVESTMENT OF RESTORATION FUND.—

(1) IN GENERAL.—The Restoration Fund and amounts in the Restoration Fund shall be maintained and invested by the Secretary of the Interior pursuant to the first section of the Act of June 24, 1938 (52 Stat. 1037, chapter 648).

(2) CREDITS TO RESTORATION FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Restoration Fund shall be credited to, and form a part of, the Restoration Fund.

(e) PROHIBITION ON PER-CAPITA PAYMENTS.—No portion of the amounts in the Restoration Fund shall be available for payment on a per-capita basis to members of the Pueblo.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Restoration Fund \$7,200,000.

#### SEC. 5. RATIFICATION OF SETTLEMENT, DISMISSAL OF LITIGATION, AND COMPENSATION TO PUEBLO.

(a) RATIFICATION OF SETTLEMENT AGREEMENT.—The Settlement Agreement is ratified.

(b) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the Pueblo and the United States shall execute



and file a joint stipulation for entry of final judgment in the case of Pueblo of Isleta v. United States, Docket 98-166L, in the United States Court of Federal Claims in such form and such manner as are acceptable to the Attorney General and the Pueblo.

(c) COMPENSATION.—After the date of enactment of this Act, in accordance with the Settlement Agreement, and upon entry of the final judgment described in subsection (b)—

(1) compensation to the Pueblo shall be paid from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, in the total amount of \$32,838,750 for all monetary damages and attorney fees, interest, and any other fees and costs of any kind that were or could have been presented in connection with Docket No. 98-166L of the United States Court of Federal Claims; but

(2) the Pueblo shall retain all rights, including the right to bring civil actions based on causes of action, relating to the removal of ordinance under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Defense Environmental Restoration Program under section 2701 of title 10, United States Code; and

(C) any contract entered into by the Pueblo for the removal of ordinance.

(d) OTHER LIMITATIONS ON USE OF FUNDS.—The Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) shall not apply to funds distributed or withdrawn from the Restoration Fund under this Act.

(e) NO EFFECT ON LAND, RESOURCES, OR WATER RIGHTS.—Nothing in this Act affects the status of land and natural resources of the Pueblo or any water right of the Pueblo.

Mr. BINGAMAN. Mr. President, I'm pleased today to join my colleague Senator DOMENICI in sponsoring the Pueblo of Isleta Settlement and Natural Resources Restoration Act. This bill would settle a longstanding dispute over federal mismanagement of lands that resulted in lands within the Pueblo being rendered unusable due to water intrusion. The money provided under the settlement would be designated towards remedying these losses.

Like any settlement, I imagine neither side is completely happy with the result but it is a significant step and will begin the process of restoring inundated lands and acquiring substitute lands. I am happy both sides were able to work out their differences and come up with a solution we can support in Congress. I hope that, in addition to the financial commitment in the bill, the Department of Interior will continue to be a partner with the Pueblo in achieving the restoration of their lands.

I hope my colleagues will join us to quickly move this legislation along so we can begin to restore these lands for the people of the Pueblo of Isleta.

By Mr. BINGAMAN (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. DORGAN, Mr. KENNEDY, Ms. STABENOW, Mr. DAYTON, Mr. JOHNSON, Mrs. CLINTON, and Mr. AKAKA):

S. 3650. A bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an

AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation with Senators LAUTENBERG, MENENDEZ, DORGAN, KENNEDY, STABENOW, DAYTON, JOHNSON, CLINTON, and AKAKA entitled the "Helping to Fill the Medicare Rx Gap Act of 2006." This legislation and companion legislation to be introduced by Congressman DINGELL fixes an important problem for Medicare beneficiaries and safety net providers by allowing costs incurred by AIDS Drug Assistance Programs, ADAPs, the Indian Health Service, IHS, federally qualified health centers, certain safety net hospitals, and pharmaceutical manufacturer-sponsored Patient Assistance Programs, PAPs—entities that provide prescription drugs or drug assistance for populations under their care—to count toward a beneficiary's annual out-of-pocket threshold as established under the Medicare Modernization Act, MMA.

With the Medicare drug benefit now in effect for more than six months, approximately 3.4 million seniors are reaching the point at which coverage is eliminated until they reach the catastrophic limit. Under the MMA, Medicare pays 75 percent of drug costs until a beneficiary's expenses reach \$2,250 in a year. Then it stops paying until costs exceed \$5,100, leaving a so-called "doughnut hole" of \$2,850 that seniors are expected to manage on their own. According to the Kaiser Family Foundation, about 6.9 million Medicare beneficiaries will have to deal with a gap in their drug coverage at some point this year.

An important part of the MMA's prescription drug benefit requires the tracking of beneficiaries' "true out-of-pocket" costs, TrOOP, to determine the point at which a beneficiary becomes eligible for catastrophic coverage. In an additional effort to constrain the cost of the prescription drug benefit, the MMA limited the types of expenditures that could count toward a beneficiary's TrOOP, including only:

Cost-sharing related to the annual deductible; costs borne by the Part D enrollee (or contributions by friends or family members on the beneficiary's behalf); contributions from qualifying State Pharmacy Assistance Programs, SPAPs; contributions from eligible charitable organizations; and waivers or reductions by commercial pharmacies of cost-sharing requirements of Medicare prescription drug plans.

Under current law, costs incurred by AIDS Drug Assistance Programs, Indian Health Service, IHS, pharmacies, community health centers, and certain

safety net hospital pharmacies on behalf of Part D enrollees during their coverage gap—i.e. while the enrollee is in the so-called "doughnut hole"—are not permitted to count for TrOOP purposes. In turn, many individuals with HIV/AIDS, Native Americans, and other low-income individuals receiving assistance through community health centers or other qualified safety net hospital pharmacies are never able to reach the catastrophic limit—the point at which Medicare would pay 95 percent of the beneficiary's drug costs. As a result, these beneficiaries are forced to pay premiums to their Medicare drug plan and to absorb the monthly drug costs for a benefit they are not able to access.

A study that was recently published in the New England Journal of Medicine found that prescription drug plans that include doughnut hole-like coverage gaps may lower beneficiary drug costs but any savings are offset by increases in the costs of hospitalizations and emergency room use. Specifically, the study found that patients with such capped benefits had higher rates of nonelective hospitalizations, visits to the emergency department, and even death. It certainly is not surprising that the coverage gap will result in many Americans going without needed medications but it is important to note that overall medical costs are not reduced and that providers will be disproportionately affected when the doughnut hole is reached.

And just when charity pharmaceutical assistance programs are needed most, the current policy is making it difficult for pharmaceutical companies to continue to provide free pharmaceuticals to our nation's poor elderly. The HHS OIG has issued guidance that prohibits costs incurred on behalf of Part D beneficiaries by pharmaceutical manufacturer-sponsored Pharmaceutical Assistance Programs, PAPs—programs run by the pharmaceutical industry that provide free or low-cost drugs to eligible poor and low-income individuals to count toward a patient's TrOOP due to concerns that providing drugs through these programs might violate the federal anti-kickback statute. The anti-kickback statute prohibits offering or receiving payment to increase the use of products or services—in this case, to steer prescription drug use—at the cost of Federal health care programs. In turn, several pharmaceutical manufacturers are considering terminating their PAPs to avoid running afoul of the law. According to a January article in the Washington Post, 37 pharmaceutical companies donated 22 million prescriptions worth \$4.1 billion through PAPs. Across the Nation seniors who benefit from these programs are fearful that they will be forced to go off needed medications or to go into bankruptcy if these programs are not available to help them.

While HHS is working with the pharmaceutical industry to develop guidelines that would allow PAPs to continue to operate in compliance with current law, the HHS OIG maintains that PAP costs will not be permitted to count toward a patient's TrOOP in any circumstance. As a result, similar to the ADAPs, IHS pharmacies, community health centers and safety net hospital pharmacies, PAPs that provide prescription drugs for patients during the coverage gap are forced to become the "payer of last resort" because the costs they incur are not permitted to count toward TrOOP expenses and thus, the patient is unable to reach the catastrophic limit.

Pharmacy Assistance Programs, AIDS Drug Assistance Programs, community health centers, and safety net hospital pharmacies will maintain their commitment to provide assistance to low-income senior citizens and people with disabilities in the coverage gap but the current policy imposes a significant financial burden on our nation's health care safety net. While we all recognize the importance of controlling costs, this policy stands to harm vulnerable beneficiaries and safety net providers by permitting the Medicare program to shift the cost burden on to a variety of other federal programs, including discretionary safety net programs, and PAPs. It does not make sense that the Federal Government pays private drug plans a capitated rate to provide services and beneficiaries pay monthly premiums to Medicare while ADAPs, IHS pharmacies, community health centers and certain safety net hospital pharmacies and pharmaceutical manufacturer PAPs are left to shoulder the cost of providing prescription medications to their population of enrollees who will never reach the catastrophic limit. Just as current policy allows SPAP spending to count toward the catastrophic limit so should the costs incurred by these entities.

In addition, this legislation would correct the inequity in the current policy which unfairly discriminates between beneficiaries who receive their prescription drugs from commercial pharmacies and those who receive their medications through PAPs or from safety net pharmacies run by the IHS, community health centers, and certain public hospitals. Currently, only commercial pharmacies' waivers or reductions in Medicare Part D cost-sharing requirements are allowed to count towards TrOOP. This legislation would prevent lower-income Medicare beneficiaries from getting trapped in the doughnut hole by leveling the playing field so that beneficiaries who get their drugs through PAPs or pharmacies run by the IHS, community health centers, or public hospitals pharmacies can move just as quickly toward the catastrophic coverage benefit.

Mr. President, I urge your support for this important legislation to allow Part D-related costs incurred by

ADAPs, IHS, federally qualified health centers, and certain safety net hospitals as well as pharmaceutical manufacturer PAPs to count toward a beneficiary's TrOOP expenses. This bill would ensure that all Part D enrollees are permitted appropriate access to the catastrophic coverage that was promised under the MMA.

Mr. President, I commend to my colleagues the New England Journal of Medicine study entitled "Unintended Consequences of Caps on Medicare Drug Benefits," and I ask unanimous consent that the Washington Post article and the text of the bill to be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Fill the Medicare Rx Gap Act of 2006".

#### SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D-2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)(C)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred if"

(B) by striking ", under section 1860D-14, or under a State Pharmaceutical Assistance Program"; and

(C) by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (i) if such costs are borne or paid—

"(I) under section 1860D-14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

"(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

"(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

"(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

"(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA-PD plan as of the date that the drug was distributed or donated."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2006.

#### SEC. 3. PROVIDING A SAFE HARBOR FOR PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAMS.

(a) SAFE HARBOR.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2213)—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting a semicolon;

(3) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2287), as subparagraph (I);

(4) in subparagraph (I), as so redesignated—

(A) by moving such subparagraph 2 ems to the left; and

(B) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(J) any remuneration paid by a pharmaceutical manufacturer patient assistance program, either in cash or through the distribution or donation of covered Part D drugs (as defined in section 1860D-2(e)), to an individual enrolled in a prescription drug plan under part D of title XVIII or in an MA-PD plan under part C of such title."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to remuneration paid on or after January 1, 2006.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

#### THE HIGH COST OF DRUG CAPS

##### BENEFIT LIMITS MEAN MORE HOSPITAL VISITS, STUDY SAYS

JUNE 6, 2006.—People with limited prescription drug coverage skip their medicines, make more trips to the hospital and die sooner than patients with unlimited benefits, a New England Journal of Medicine study found.

The study compared the medical records of 157,275 people in a plan that covered only the first \$1,000 worth of drugs with those of 41,904 people who had unlimited drug coverage.

Those with limited drug coverage spent 31 percent less on drugs, but their total medical costs were not significantly lower, as they had a 9 percent greater chance of going to the emergency room and a 13 percent greater chance of landing in the hospital.

"The savings in drug costs from the cap were offset by increases in the costs of hospitalization and emergency department care," concluded the researchers, who were led by John Hsu of Kaiser Permanente in Oakland, Calif.

The annual death rate of people whose drug benefits were capped was 22 percent higher than those with unlimited benefits.

"These changes affect the sickest patients the most, since they reach their caps on benefits earlier in the year than other patients," said Kenneth Thorpe, of Emory University in Atlanta, in a Journal editorial.

The study is especially relevant to the new Medicare Part D drug plans: Many of them have significant gaps in coverage, or "doughnut holes," where enrollees must pay in full for annual drug costs between \$2,250 and \$5,100.

"In short, caps on drug benefits, such as those used in Medicare, for a population of patients with chronic illnesses result in worse outcomes and do not reduce spending considerably," said Thorpe.

The study showed that while 26 percent of people with diabetes skipped at least 20 percent of their doses if their drug benefits were capped, the rate was 21 percent for those who didn't have a cap.

All patients in the study had a required co-payment of \$15 to \$30 for brand-name drugs, and \$10 for generic medicines.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 527—CONDEMNING IN THE STRONGEST TERMS THE JULY 11, 2006, TERRORIST ATTACKS IN INDIA AND EXPRESSING SYMPATHY AND SUPPORT FOR THE FAMILIES OF THE DECEASED VICTIMS AND WOUNDED AS WELL AS STEADFAST SUPPORT TO THE GOVERNMENT OF INDIA AS IT SEEKS TO REASSURE AND PROTECT THE PEOPLE OF INDIA AND TO BRING THE PERPETRATORS OF THIS DESPICABLE ACT OF TERRORISM TO JUSTICE**

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. COLEMAN, Mr. FEINGOLD, Mr. VOINOVICH, Mr. ALLEN, Mr. ALEXANDER, Mr. HAGEL, Mr. OBAMA, Mrs. DOLE, Mr. CORNYN, Ms. COLLINS, Mr. CHAFEE, Mrs. BOXER, Mrs. CLINTON, Mr. SARBANES, Mr. BROWNBACK, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 527

Whereas, on July 11, 2006, during evening rush hour, 7 major explosions occurred on commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 400 innocent people;

Whereas the Prime Minister of India, Manmohan Singh, has urged calm in the country and vowed to take all possible measures to maintain law and order and to defeat the forces of terrorism;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of 8 innocent civilians and wounded 39 others in tourist areas of Srinagar, the capital city of Indian Kashmir;

Whereas the United States and India are both multicultural, multireligious democracies that abhor terrorism in all its forms and will continue to work steadfastly together to overcome terrorist ideology and establish peace and security;

Whereas the people of India have long faced, with bravery and resolve, past acts of terrorism, including twin bombings at a train station and a temple in the Hindu holy city of Varanasi that killed 20 people in March 2006, a series of bombings in New Delhi a day before the Hindu festival of Diwali that resulted in the death of more than 60 people in October 2005, 2 simultaneous car bombings in Mumbai that killed 52 people in August 2003, a bombing on a passenger train in Mumbai that killed 10 people in March 2003, an attack on a Hindu temple in the state of Gujarat that left 33 people dead in September 2002, an attack on India's parliament in New Delhi in December 2001 that left 14 people dead and precipitated a 5-month military stand off with neighboring Pakistan, a series of bombings that struck the Mumbai stock exchange, killing 257 people and wounding more than 1,000 others, and countless attacks in Indian Kashmir that have resulted in the deaths of tens of thousands of people over the last 16 years;

Whereas the terrorists responsible for these attacks seek to disrupt the free, democratic, and pluralistic lifestyle enjoyed by the people of India;

Whereas the Government of India has been engaged in joint efforts with the United States Government to combat terrorism and to ensure a safer and more secure world; and

Whereas the governments of countries throughout the world strongly condemned the attacks in Mumbai, including the United States Government and the Governments of Pakistan, the United Kingdom, and France: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns in the strongest terms the July 11, 2006, terrorist attacks in Mumbai, India;

(2) expresses its condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms;

(4) expresses its support for the enhancement of strategic cooperation between the United States and India, with the goal of combating terrorism and advancing peace and security.

**SENATE CONCURRENT RESOLUTION 108—AUTHORIZING THE PRINTING OF A REVISED EDITION OF A POCKET VERSION OF THE UNITED STATES CONSTITUTION AND OTHER PUBLICATIONS**

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 108

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.**

(a) IN GENERAL.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

**SEC. 2. OUR FLAG.**

(a) IN GENERAL.—The 2006 revised edition of the publication entitled "Our Flag" shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$215,000 with distribution to

be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

**SEC. 3. A BOTANIC GARDEN FOR THE NATION.**

(a) IN GENERAL.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled "A Botanic Garden for the Nation", prepared by the United States Botanic Gardens.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate and 1,470 for the use of the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than \$102,000.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4581. Mr. OBAMA (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4582. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4583. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Ms. STABENOW, Ms. SNOWE, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4584. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4585. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4586. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4587. Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4588. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4589. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4590. Mr. COBURN proposed an amendment to the bill H.R. 5441, supra.

SA 4591. Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5441, supra.

SA 4592. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4593. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms.

STABENOW, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4594. Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Ms. COLLINS, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4595. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4596. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4597. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4598. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4599. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4600. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4601. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4602. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4603. Mr. BAUCUS (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4604. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4605. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4606. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4607. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4608. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4609. Ms. CANTWELL (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4610. Mr. THUNE (for himself and Mr. TALENT) proposed an amendment to the bill H.R. 5441, supra.

SA 4611. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4612. Ms. CANTWELL submitted an amendment intended to be proposed by her

to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4613. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4614. Mr. GREGG (for Mr. BYRD) proposed an amendment to the bill H.R. 5441, supra.

SA 4615. Mr. VITTER (for himself, Mr. INHOPE, Mr. ENZI, Mr. THUNE, Mr. BURNS, Mr. BROWNBACK, Mr. MARTINEZ, Mr. DOMENICI, Mr. GREGG, and Mr. BYRD) proposed an amendment to the bill H.R. 5441, supra.

SA 4616. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4617. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4618. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4619. Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4620. Mr. BYRD (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5441, supra.

SA 4621. Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mr. CRAIG, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5441, supra.

SA 4622. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4623. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4624. Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4625. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4626. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4627. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4628. Mr. SESSIONS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4629. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4630. Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4631. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4632. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4633. Mr. ALLARD submitted an amendment intended to be proposed by him

to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4634. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4635. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4636. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4637. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4638. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4639. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4640. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4641. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4642. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4581.** Mr. OBAMA (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: “; *Provided further*, That the Director of the Federal Emergency Management Agency shall designate the Illinois Mutual Aid Box Alarm System Urban Search and Rescue Team as part of the National Urban Search and Rescue Response System”.

**SA 4582.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. The Assistant Secretary of Homeland Security (Transportation Security Administration) shall not modify the list of items prohibited from being carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation set forth in section 1540 of title 49, Code of Federal Regulations, so as to permit any item contained on the list as of December 1, 2005, to be carried aboard a passenger aircraft.

**SA 4583.** Mr. COLEMAN (for himself and Ms. COLLINS, Ms. STABENOW, Ms.

SNOWE, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 124, strike line 1 and all that follows through page 126, line 20, and insert the following:

SEC. 538. Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note) is amended to read as follows:

“(b) PASSPORTS, OTHER TRAVEL DOCUMENTS, AND DEMONSTRATION PROGRAMS.—

“(1) DEVELOPMENT OF PLAN AND IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a plan as expeditiously as possible to require a passport or other document, or combination of documents, including a passport card, deemed by the Secretary of Homeland Security to be sufficient to denote identity and citizenship, for all travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)). This plan shall be implemented not later than 3 months after the Secretary of State and the Secretary of Homeland Security make the certifications required in subparagraph (B), or June 1, 2009, whichever is earlier. The plan shall seek to expedite the travel of frequent travelers, including those who reside in border communities, and in doing so, shall make readily available a registered traveler program (as described in section 7208(k)).

“(B) CERTIFICATION.—The Secretary of Homeland Security and the Secretary of State shall jointly certify to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that the following criteria have been met—

“(i) the National Institutes of Standards and Technology has certified that the card architecture meets the International Organization for Standardization ISO 14443 security standards, or justifies a deviation from such standard;

“(ii) the technology to be used by the United States for the passport card, and any subsequent change to that technology, has been shared with the governments of Canada and Mexico;

“(iii) an agreement has been reached with the United States Postal Service on the fee to be charged to an individual for processing of the passport card, and a detailed justification has been submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives;

“(iv) an alternative procedure has been developed for groups of children traveling across an international border under adult supervision with parental consent;

“(v) the necessary technological infrastructure to process the passport cards has been installed, and all employees at ports of entry have been properly trained in the use of the new technology;

“(vi) the passport card has been made available for the purpose of international travel by United States citizens through land and sea ports of entry between the United States and Canada, Mexico, the Caribbean, and Bermuda;

“(vii) a single implementation date for sea and land borders has been established; and

“(viii) a pilot program has been conducted to demonstrate the effectiveness of the passport card.

“(C) REQUIREMENT TO PRODUCE DOCUMENTATION.—The plan developed under subparagraph (A) shall require all United States citizens, and categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)), to carry and produce the documentation described in subparagraph (A) when traveling from foreign countries into the United States.

“(D) PASSPORT CARD FEES.—

“(i) LIMITATION ON FEES.—The application fee for a passport card under this paragraph shall be as low as possible and, except as provided in clause (ii), such fee may not exceed \$24.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—The application fee for a passport card under this paragraph may be not exceed \$34 if the Secretary of State, the Secretary of Homeland Security, and the Postmaster General jointly certify to Congress that the cost to produce and issue a passport card significantly exceeds \$24 and provide to Congress a detailed analysis of such cost.

“(II) AUDIT.—If the fee for a passport card exceeds \$24 pursuant to subclause (I), the Comptroller General of the United States shall conduct an audit to determine whether passport cards are issued at the lowest possible cost.

“(iii) REDUCTION OF FEE.—The fee for a passport card shall be reduced for an individual who submits an application for a passport card together with an application for a United States passport.

“(iv) WAIVER OF FEE FOR CHILDREN.—The fee for a passport card shall be waived for a child under 18 years of age.

“(2) INDIVIDUALS LACKING APPROPRIATE DOCUMENTATION.—

“(A) IN GENERAL.—In addition to the program described in paragraph (1), the Secretary of Homeland Security shall establish a program that satisfies the requirements of this section—

“(i) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States within a 72-hour period, on a limited basis, and at no additional fee; or

“(ii) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in subclause (i) upon the arrival of such citizen at an international border of the United States.

“(B) GRACE PERIOD.—During a time period determined by the Secretary of Homeland Security, officers of Department of Homeland Security may permit individuals who are citizens of the United States or Canada and who are unaware of the requirements of this section or who otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer and shall educate such individuals about documentary requirements.

“(3) STATE ENROLLMENT DEMONSTRATION PROGRAMS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State and the Secretary of Homeland Security shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

“(i) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of sec-

tion 202 of the REAL ID Act of 2005 (division B of Public Law 109-13; 49 U.S.C. 30301 note).

“(ii) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

“(iii) All information collected about the individual shall be managed exclusively in the same manner as information collected through the passport application process and no other distribution or use of such information shall be permitted.

“(iv) A State may not require an individual to include the individual's citizenship status on a driver's license.

“(v) Notwithstanding any other provision of law, a driver's license which meets the requirements of this subparagraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

“(B) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary of Homeland Security may expand the use of demonstration programs under this paragraph so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

“(C) STUDY.—Not later than 6 months after the date that the demonstration program under this paragraph is implemented, the Comptroller General of the United States shall conduct a study of—

“(i) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

“(ii) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

“(iii) the security of travel documents that meet the requirements of the program compared with other travel documents.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall have the effect of creating a national identity card.

“(4) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary of Homeland Security certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary of Homeland Security shall work, to the maximum extent possible, to ensure that identification documents issued by Canada that permit entry into the United States under this subparagraph contain the same technology as identification documents issued by the United States (or any State).

“(5) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary of Homeland Security shall seek to conduct pilot programs related to passport cards issued pursuant to this subsection and the demonstration programs described in this subsection at ports of entry located on the international border between the United States and Canada or the international border between the United States and Mexico.

“(6) EXPANSION OF NEXUS AND SENTRI TECHNOLOGY.—The Secretary of Homeland Security, in consultation with the appropriate officials of the Government of Canada, shall

equip at least 6 additional ports of entry located along the northern international border of the United States with NEXUS technology and 6 additional ports of entry located along the southern international border of the United States with SENTRI technology.

“(7) BOAT LANDING PROGRAMS.—The Secretary of Homeland Security shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. The Secretary shall conduct one such program in Florida that is modeled on the Department of Homeland Security’s Canadian Border Boat Landing (I-68) Program.

“(8) PUBLIC INFORMATION.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall develop and implement an outreach plan to inform United States citizens of the initiatives and programs carried out under this subsection and of the other provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

“(A) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

“(B) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

“(C) the collection and analysis of data to measure the success of the public promotion plan; and

“(D) additional activities that the Secretary of State determines are appropriate.”.

**SA 4584.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Comptroller General of the United States, in consultation with the Secretary of Homeland Security, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(b) The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(c) The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(1) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

- (A) firearms and weapons;
- (B) self defense;

- (C) search and seizure;
- (D) defensive and high speed driving;
- (E) mobility training;
- (F) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and
- (G) safety issues related to biological and chemical hazards;
- (2) technology upgrades and integration; and
- (3) matters relating directly to terrorist threats and issues, including—
  - (A) profiling;
  - (B) changing tactics;
  - (C) language;
  - (D) culture; and
  - (E) communications.

**SA 4585.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

After section 539, insert the following:

SEC. 540. None of the amounts available or otherwise available to the Coast Guard under title II of this Act under the heading “UNITED STATES COAST GUARD” under the heading “OPERATING EXPENSES” may be obligated or expended for the continuation of operations at Long Range Aids to Navigation (LORAN) stations nationwide.

**SA 4586.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed under section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) unless the fee charged for a PASS card or any other acceptable border crossing document issued by the Department of State or the Department of Homeland Security pursuant to that plan is—

- (1) not more than \$20 per document; and
- (2) waived for all children under the age of 18.

**SA 4587.** Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. BOXER, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,693,500,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$1,472,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$450,000,000”.

On page 92, line 16, insert “: *Provided*, That not less than \$50,000,000 shall be made available for grants for transit and intercity passenger rail security research and development: *Provided further*, That not less than \$50,000,000 shall be made available for grants for overtime compensation in high threat areas” after “transit security grants: *Provided further*, That the amount provided under this subparagraph is designated as an emergency requirement pursuant to section

402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234” after “security grants”.

**SA 4588.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 19, strike “\$37,200,000, to remain available until September 30, 2008.” and insert “\$87,200,000, to remain available until September 30, 2008, of which \$50,000,000 shall be made available to develop and implement a system, either directly or by providing technical and financial assistance to motor carriers through a competitive grant program, to enable motor carriers and the Department of Homeland Security to immediately identify the exact location of a commercial motor vehicle carrying a hazardous materials shipment (as defined in section 385.403 of title 49, Code of Federal Regulations): *Provided*, That the amount provided under this header is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.”.

**SA 4589.** Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this act, the amount made available in title III of this Act under the heading “Office for Domestic Preparedness, State and Local Programs” is reduced by \$25,000,000 and the amount made available under such heading for “training, exercises, technical assistance, and other programs” is reduced by \$25,000,000.

**SA 4590.** Mr. COBURN proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, \$1,000,000 shall be made available from appropriations for training, exercises, technical assistance, and other programs under paragraph (4) under the subheading “STATE AND LOCAL PROGRAMS” under the heading “OFFICE FOR DOMESTIC PREPAREDNESS” under title III, for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

**SA 4591.** Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. CORNYN, Mrs. HUTCHISON) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:



# TITLE VI—BORDER LAW ENFORCEMENT RELIEF ACT

## SEC. 601. SHORT TITLE.

This title may be cited as the “Border Law Enforcement Relief Act of 2006”.

## SEC. 602. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure the Nation’s borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are an estimated 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States-Mexico Border Counties Coalition found that law enforcement and criminal justice expenses associated with illegal immigration exceed \$89,000,000 annually for the Southwest border counties.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs related to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southwest United States-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

## SEC. 603. BORDER RELIEF GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency’s proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2007 through 2011.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Department of Homeland Security.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$50,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A)  $\frac{3}{4}$  shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B)  $\frac{1}{4}$  shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

## SEC. 604. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

**SA 4592.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The Transportation Security Administration shall require each air carrier and foreign air carrier that provides air transportation or intrastate air transportation to submit plans to the Transportation Security Administration on how such air carrier will participate in the voluntary provision of emergency services program established by section 4494(a) of title 49, United States Code.

(b)(1) Not more than 90 days after the date of the enactment of this Act, the Transportation Security Administration shall prepare a report that contains the following:

(A) Procedures that qualified individuals need to follow in order to participate in the program described in subsection (a).

(B) Relevant contacts for individuals interested in participating in the program described in subsection (a).

(2) The Transportation Security Administration shall make the report required by paragraph (1) available, by Internet web site or other appropriate method, to the following:

(A) The Congress.

(B) The emergency response agency of each State.

(C) The relevant organizations representing individuals to participate in the program.

**SA 4593.** Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike “\$205,000,000” and insert “\$235,000,000”.

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,610,000,000”.

**SA 4594.** Mr. VOINOVICH (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BURNS, Ms. CANTWELL, Ms. COLLINS, Mr. FEINGOLD, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PRYOR, Mr. ROBERTS, Ms. STABENOW, Ms. SNOWE, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations

for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 5, strike “\$205,000,000” and insert “\$220,000,000”.

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,625,000,000”.

**SA 4595.** Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. \_\_\_\_ DEPUTY SECRETARY OF HOMELAND SECURITY FOR MANAGEMENT.**

(a) **ESTABLISHMENT AND SUCCESSION.**—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “DEPUTY SECRETARY” and inserting “DEPUTY SECRETARIES”;

(B) by striking paragraph (7);

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(D) by striking paragraph (1) and inserting the following:

“(1) A Deputy Secretary of Homeland Security.

“(2) A Deputy Secretary of Homeland Security for Management.”; and

(2) by adding at the end the following:

“(g) **VACANCIES.**—

“(1) **VACANCY IN OFFICE OF SECRETARY.**—

“(A) **DEPUTY SECRETARY.**—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

“(B) **DEPUTY SECRETARY FOR MANAGEMENT.**—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

“(2) **VACANCY IN OFFICE OF DEPUTY SECRETARY.**—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

“(3) **FURTHER ORDER OF SUCCESSION.**—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.”.

(b) **RESPONSIBILITIES.**—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking “UNDER SECRETARY” and inserting “DEPUTY SECRETARY OF HOMELAND SECURITY”;

(2) in subsection (a)—

(A) by inserting “The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on mat-

ters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.” before “The Secretary”;

(B) by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”;

(C) by striking paragraph (7) and inserting the following:

“(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.”; and

(D) by striking paragraph (9), and inserting the following:

“(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”; and

(B) in paragraph (2), by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(c) **APPOINTMENT, EVALUATION, AND REAPPOINTMENT.**—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by this Act, is further amended by adding at the end the following:

“(c) **APPOINTMENT, EVALUATION, AND REAPPOINTMENT.**—The Deputy Secretary of Homeland Security for Management—

“(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results;

“(2) shall—

“(A) serve for a term of 5 years; and

“(B) be subject to removal by the President if the President—

“(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

“(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

“(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

“(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

“(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).”.

(d) **INCUMBENT.**—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of

the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) **REFERENCES.**—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **OTHER REFERENCE.**—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking “Under Secretary for Management” and inserting “Deputy Secretary of Homeland Security for Management”.

(2) **TABLE OF CONTENTS.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

“Sec. 701. Deputy Secretary of Homeland Security for Management.”.

(3) **EXECUTIVE SCHEDULE.**—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

“Deputy Secretary of Homeland Security for Management.”.

**SA 4596.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Border Infrastructure and Technology Modernization Act”.

**SEC. 602. DEFINITIONS.**

In this title:

(1) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) **MAQUILADORA.**—The term “maquiladora” means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) **NORTHERN BORDER.**—The term “northern border” means the international border between the United States and Canada.

(4) **SOUTHERN BORDER.**—The term “southern border” means the international border between the United States and Mexico.

(5) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary for Border and Transportation Security of the Department of Homeland Security.

**SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.**

(a) **INSPECTORS AND AGENTS.**—

(1) **INCREASE IN INSPECTORS AND AGENTS.**—During each of the fiscal years 2008 through 2012, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of

Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) **WAIVER OF FTE LIMITATION.**—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) **TRAINING.**—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

#### **SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.**

(a) **REQUIREMENT TO UPDATE.**—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, on page 67) and submit such updated study to Congress.

(b) **CONSULTATION.**—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Under Secretary, and the Commissioner.

(c) **CONTENT.**—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) **PROJECT IMPLEMENTATION.**—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) **DIVERGENCE FROM PRIORITIES.**—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

#### **SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.**

(a) **IN GENERAL.**—Not later than January 31 of each year, the Under Secretary, after consultation with the Under Secretary for Information Analysis and Infrastructure Protection and representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) **VULNERABILITY ASSESSMENT.**—

(1) **IN GENERAL.**—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) **PORT SECURITY COORDINATORS.**—The Under Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

#### **SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.**

(a) **CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Under Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) **SOUTHERN BORDER DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs-Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) **MAQUILADORA DEMONSTRATION PROGRAM.**—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

#### **SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.**

(a) **ESTABLISHMENT.**—The Under Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) **TECHNOLOGY AND FACILITIES.**—

(1) **TECHNOLOGY TESTING.**—Under the technology demonstration program, the Under Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) **DEVELOPMENT OF FACILITIES.**—At a demonstration site selected pursuant to subsection (c)(2), the Under Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) **DEMONSTRATION SITES.**—

(1) **NUMBER.**—The Under Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) **SELECTION CRITERIA.**—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) **RELATIONSHIP WITH OTHER AGENCIES.**—The Under Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Under Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) **CONTENT.**—The report submitted under paragraph (1) shall include an assessment by the Under Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

#### **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out section 603;

(2) such sums as may be necessary for the fiscal years 2008 through 2012 to carry out the provisions of section 604(a);

(3) to carry out section 604(d)—

(A) \$100,000,000 for each of the fiscal years 2008 through 2012; and

(B) such sums as may be necessary in any succeeding fiscal year;

(4) to carry out section 606(a)—

(A) \$30,000,000 for fiscal year 2008, of which \$5,000,000 shall be made available to fund the demonstration project established in section 606(a)(2); and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(5) to carry out section 606(b)—

(A) \$5,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for the fiscal years 2009 through 2012; and

(6) to carry out section 607, provided that not more than \$10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) \$50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) **INTERNATIONAL AGREEMENTS.**—Amounts authorized to be appropriated under this title may be used for the implementation of

projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

**SA 4597.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) None of the funds made available in this Act may be used to prohibit a Mexican national described in section 212.1(c)(1)(i) of title 8 of the Code of Federal Regulations (as in effect on the date of the enactment of this Act), from traveling in the United States within 100 miles of an international border.

(b) The Secretary of Homeland Security may permit a Mexican national described in subsection (a) to travel beyond the limits specified in such subsection.

**SA 4598.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 540. EXPANSION OF THE NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given the term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e)).

(2) EMERGENCY AND MAJOR DISASTER.—The terms “emergency” and “major disaster” have the meanings given the terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—The term “National Infrastructure Simulation and Analysis Center” means the National Infrastructure Simulation and Analysis Center established under section 1016(d) of the USA PATRIOT Act (42 U.S.C. 5195c(d)).

(4) NATIONAL RESPONSE PLAN.—The term “National Response Plan” means the National Response Plan developed under section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), or any successor plan.

(5) PROTECT.—The term “protect” means to reduce the vulnerability of critical infrastructure in order to deter, mitigate, or neutralize an emergency, major disaster, terrorist attack, or other catastrophic event.

(b) EXPANSION OF AUTHORITY.—

(1) IN GENERAL.—The National Infrastructure Simulation and Analysis Center shall serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to an emergency, major disaster, terrorist attack, or other catastrophic event.

(2) NATIONAL RESPONSE PLAN.—The Secretary of Homeland Security shall ensure that the National Response Plan directs the National Infrastructure Simulation and Analysis Center to—

(A) identify critical infrastructure that may be at risk during an emergency, major disaster, terrorist attack, or other catastrophic event; and

(B) develop plans to protect the critical infrastructure described in subparagraph (A).

(3) INFRASTRUCTURE MODELING.—

(A) IN GENERAL.—The National Infrastructure Simulation and Analysis Center is the primary agency of the Federal Government for modeling and analysis of infrastructure preparedness, response, and recovery activities.

(B) INFORMATION FROM OTHER AGENCIES.—Each Federal agency and department shall provide the National Infrastructure Simulation and Analysis Center with any modeling, simulation, analysis, or data relating to infrastructure preparedness, response, or recovery activities available to such agency or department.

(C) ANALYSIS.—The National Infrastructure Simulation and Analysis Center shall—

(i) analyze all infrastructure modeling provided under subparagraph (B); and

(ii) on a timely basis, share its analysis with all relevant Federal agencies and departments.

**SA 4599.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 11, insert “: *Provided further*, That of the total amount provided, not less than \$41,749,000 shall be made available for the human resources management system” before the period.

**SA 4600.** Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 24, strike “\$1,640,000,000” and insert “\$1,941,390,000, of which \$301,390,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.”.

**SA 4601.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**TITLE VI—HIGH RISK PROTECTION**

**SEC. 601. FUNDING FOR THE URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.**

(a) IN GENERAL.—

(1) ALLOCATION BASED ON RISK ONLY.—Notwithstanding any other provision of law, no amounts appropriated to the Department for the Urban Area Security Initiative Grant

Program may be allocated by the Secretary of Homeland Security to a high-threat area unless such area meets the conditions described in paragraph (2).

(2) DETERMINATION OF HIGH-THREAT AREAS.—The conditions referred to in this paragraph are as follows:

(A) MANDATORY CONDITIONS.—The area shall contain critical infrastructure, including—

(i) skyscrapers and large commercial buildings;

(ii) transportation assets, including rail and mass transit, bridges and tunnels, and airports;

(iii) commuting populations;

(iv) a national monument or icon;

(v) a nuclear power plant or nonpower reactor;

(vi) a seaport;

(vii) a chemical facility;

(viii) a military facility;

(ix) a Federal facility;

(x) a dam;

(xi) a nonnuclear electric power plant;

(xii) a food or agriculture center;

(xiii) an oil or natural gas refinery or pipeline;

(xiv) a financial center; and

(xv) a stadium or arena.

(B) DISCRETIONARY CONDITIONS.—In addition to the mandatory conditions set forth in subparagraph (A), the Secretary of Homeland Security shall, in determining if funds may be allocated to a high-threat area, consider—

(i) if the area is located on an international border or coastline, including the number of border crossings; and

(ii) the population, population density, law enforcement investigative and enforcement activity, and tourism in the area.

(3) DETERMINATION OF ALLOCATION.—If an area satisfies the conditions described in paragraph (2), the Secretary of Homeland Security in allocating amounts among such high-threat areas for the Urban Area Security Initiative Grant Program, shall evaluate all threats (including threats to national monuments and icons) and critical infrastructure vulnerabilities located in such high-threat areas.

(b) PEER REVIEW.—The Urban Area Security Initiative Grant Program shall not be subject to the peer review process of the Department of Homeland Security.

(c) USE OF FUNDS.—Notwithstanding any other provision of law, funds made available under the Urban Area Security Initiative Grant Program may be used for overtime and other employment costs directly relating to the prevention of terrorist activities and any other activity determined to be necessary by the Secretary of Homeland Security.

(d) REPORTING REGARDING GRANTS.—Not later than 30 days before making a final allocation of grants to high-threat areas under the Urban Area Security Initiative Program, the Secretary of Homeland Security shall submit to each Member of the Senate and the House of Representatives who represents a high-threat area a report regarding the proposed allocation of funds, including a description of the analysis of critical infrastructure used in making the proposed allocation.

**SEC. 602. REPORTING REGARDING DETERMINATION AND EVALUATION.**

The Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Government Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives regarding the determination of high-threat areas, evaluation of threats, vulnerabilities, and consequences, and consideration of any previous terrorist attacks under section 601(a).

**SA 4602.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) \$345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than \$25,000,000 is for technical assistance:

On page 127, between lines 2 and 3, insert the following:

**SEC. 540. TECHNICAL ASSISTANCE OFFSET.**

The amount made available for each account in title III of this Act (including each subaccount for which a dollar amount is specified, but excluding amounts made available under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY") for which this Act makes available an amount in excess of the amount made available for that account by the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2064), shall be reduced in an amount equal to \$13,500,000 multiplied by a fraction, the numerator of which is the amount of the excess made available by this Act for that account and the denominator of which is the aggregate amount of the excess made available by this Act for all such accounts.

**SA 4603.** Mr. BAUCUS (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 540.** Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

**SA 4604.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. ST. MARY DIVERSION AND CONVEYANCE WORKS EMERGENCY RESPONSE PLAN.**

(a) DEFINITIONS.—In this section:

(1) **BLACKFEET RESERVATION.**—The term "Blackfeet Reservation" means the Blackfeet Indian Reservation of Montana.

(2) **BLACKFEET TRIBE.**—The term "Blackfeet Tribe" means the Blackfeet Tribe of the Blackfeet Reservation.

(3) **CATASTROPHIC INFRASTRUCTURE FAILURE.**—The term "catastrophic infrastructure failure" means a failure of the infrastructure of the St. Mary Diversion and Conveyance Works that causes a significant disruption in the operation of the water system that, if

not addressed, would, as determined by the Secretary, pose a serious threat to—

(A) the lives, health, or property of the residents of the Blackfeet Reservation; or

(B) the economic or environmental health of—

(i) the Blackfeet Reservation; or

(ii) the region served by the Milk River Project.

(4) **EMERGENCY RESPONSE PLAN.**—The term "emergency response plan" means the emergency response plan developed under subsection (b)(1).

(5) **FUND.**—The term "Fund" means the Emergency Response Plan Fund established by subsection (c)(1).

(6) **MILK RIVER PROJECT.**—

(A) **IN GENERAL.**—The term "Milk River Project" means the Bureau of Reclamation project authorized by the Secretary on March 14, 1903, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) **INCLUSIONS.**—The term "Milk River Project" includes—

(i) Swiftcurrent Dike;

(ii) Lake Sherburne;

(iii) Nelson and Fresno dams, dikes, and reservoirs;

(iv) St. Mary, Dodson, Vandalia, and Paradise diversion dams;

(v) Dodson pumping plant; and

(vi) miles of associated canals, laterals, and drains.

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Homeland Security.

(8) **STATE.**—The term "State" means the State of Montana.

(9) **ST. MARY DIVERSION AND CONVEYANCE WORKS.**—

(A) **IN GENERAL.**—The term "St. Mary Diversion and Conveyance Works" means the portion of the Milk River Project authorized by the Secretary on March 25, 1905, under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), that—

(i) is located within the exterior boundaries of the Blackfeet Reservation; and

(ii) diverts water from the St. Mary River into the North Fork of the Milk River.

(B) **INCLUSIONS.**—The term "St. Mary Diversion and Conveyance Works" includes—

(i) the diversion dam on the St. Mary River;

(ii) Swiftcurrent Dike;

(iii) canals;

(iv) siphons;

(v) the 5 drop structures; and

(vi) other associated canal facilities.

(b) **EMERGENCY RESPONSE PLAN.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Interior, State, local and tribal authorities, and other Milk River Project stakeholders, shall develop and, subject to the availability of funds, implement an emergency response plan to be followed in the event of a catastrophic infrastructure failure.

(2) **CONTENTS.**—The emergency response plan shall—

(A) identify the potential impacts of a catastrophic infrastructure failure on public safety and the environment, with an emphasis on the impacts on any portions of the Blackfeet Reservation in which the St. Mary Diversion and Conveyance Works are located;

(B) provide a response plan to address the public safety and environmental impacts in the State and the Blackfeet Reservation within a reasonable period following a catastrophic infrastructure failure;

(C) define the responsibilities of emergency response personnel in the event of a catastrophic infrastructure failure;

(D) ensure communication and coordination among the Federal, State, tribal, and local agencies and other Milk River Project stakeholders that are responsible for implementing the emergency response plan;

(E) establish public notification procedures to be carried out in the event of a catastrophic infrastructure failure;

(F) provide for the repair or replacement of failed infrastructure with components that are compatible with the rehabilitation project;

(G) include a cost-sharing agreement that—

(i) specifies the manner in which costs will be shared and any reimbursable amounts will be repaid if the emergency response plan is implemented; and

(ii) is consistent with paragraph (5); and

(H) incorporate any other elements that the Secretary, in consultation with the Secretary of the Interior, the State, tribal and local authorities, and other Milk River Project stakeholders, determines would ensure a rapid and effective response to a catastrophic infrastructure failure.

(3) **TITLE.**—Title to all project works and facilities constructed under this section shall be held by the United States.

(4) **DEVELOPMENT COSTS.**—Any costs incurred by the Secretary in developing the emergency response plan shall be nonreimbursable.

(5) **IMPLEMENTATION COSTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), of the total costs of implementing an emergency response plan—

(i) 45 percent shall be reimbursable; and

(ii) 55 percent shall be nonreimbursable.

(B) **REIMBURSABLE COSTS.**—

(i) **FEDERAL SHARE.**—The Federal share of the total reimbursable costs of implementing an emergency response plan shall be 75 percent.

(ii) **NON-FEDERAL SHARE.**—The non-Federal share of the total reimbursable costs of implementing an emergency response plan shall be the lesser of—

(I) the amount that is equal to 25 percent of the total reimbursable costs of implementing an emergency response plan; or

(II) \$25,000,000.

(C) **BLACKFEET TRIBE.**—Notwithstanding subparagraph (A), any Federal funds provided for noninfrastructure activities carried out under this subsection on the Blackfeet Reservation are nonreimbursable and non-returnable to the United States.

(c) **EMERGENCY RESPONSE PLAN FUND.**—

(1) **ESTABLISHMENT.**—There is established in the Treasury of the United States a revolving fund, consisting of—

(A) such amounts as are appropriated to the Fund under subsection (d)(2); and

(B) any interest earned on investment of amounts in the Fund under paragraph (3).

(2) **EXPENDITURES FROM FUND.**—

(A) **IN GENERAL.**—If the Secretary, in consultation with the Secretary of the Interior, determines that a catastrophic infrastructure failure has occurred, the Secretary of the Treasury, on request of the Secretary, shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to implement the emergency response plan.

(B) **REPORT.**—Not later than 60 days after the date on which amounts from the Fund are transferred to the Secretary under subparagraph (A), the Secretary shall submit to the Committee on Energy and Natural Resources and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Resources of the

House of Representatives a report that describes—

(i) the event that triggered the determination that a catastrophic infrastructure failure had occurred;

(ii) the amount transferred to the Secretary from the Fund;

(iii) a description of any construction carried out using the amounts transferred; and

(iv) the estimated cost of completing any construction being carried out under the emergency response plan.

(3) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(C) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(D) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(E) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(4) TERMINATION OF FUND.—If the Secretary, in consultation with the Secretary of the Interior, determines that the St. Mary Division and Conveyance Works no longer pose an unacceptable risk of catastrophic infrastructure failure—

(A) the Fund shall be terminated; and

(B) the unexpended and unobligated balance of the Fund shall be made available for the construction of the rehabilitation project.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) EMERGENCY RESPONSE PLAN.—There is authorized to be appropriated to carry out subsection (b) \$2,000,000.

(2) EMERGENCY FUND.—There is authorized to be appropriated to the Fund \$15,000,000.

**SA 4605.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) For each of the fiscal years of 2007 through 2011, as part of the annual performance plan required in the budget submission of the Bureau of Customs and Border Protection under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance indicators relating to the seizure of methamphetamine and methamphetamine precursor chemicals in order to evaluate the performance goals of the Bureau with respect to the interdiction of illegal drugs entering the United States.

(b) Of the amount made available to Customs and Border Protection under title II, \$100,000 shall be available for the Commissioner of Customs to analyze on an annual basis the movement of methamphetamine and methamphetamine precursor chemicals into the United States. In conducting the analysis, the Commissioner shall—

(1) consider the entry of methamphetamine and methamphetamine precursor chemicals

through ports of entry, between ports of entry, through the mails, and through international courier services;

(2) examine the export procedures of each foreign country where the shipments of methamphetamine and methamphetamine precursor chemicals originate and determine if changes in the country's customs over time provisions would alleviate the export of methamphetamine and methamphetamine precursor chemicals; and

(3) identify emerging trends in smuggling techniques and strategies.

(c) The Commissioner shall ensure that the analysis described in subsection (b) is made available in a timely manner to the Secretary of State to facilitate the Secretary in fulfilling the Secretary's reporting requirements in section 722 of the Combat Methamphetamine Epidemic Act of 2005.

**SA 4606.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by \$5,300,000 which shall be available to hire and train 45 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided, That* the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by \$5,300,000.

**SA 4607.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) The amount appropriated by title II under the heading "CUSTOMS AND BORDER PROTECTION" for salaries and expenses is hereby increased by \$20,300,000 which shall be available to hire and train 180 new full-time equivalent domestic port Customs officers and shall remain available until expended: *Provided, That* the Secretary of Homeland Security shall prioritize the assignment of additional Customs officers to ports based on need.

(b) The amount appropriated by title I under the heading "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT" is hereby reduced by \$20,300,000.

**SA 4608.** Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 20, strike the colon and insert the following: "": *Provided further, That*

the Transportation Security Administration shall provide passenger and baggage screeners and related resources at the New Castle Airport in Wilmington, Delaware as long as commercial air service is provided at that airport:".

**SA 4609.** Ms. CANTWELL (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**TITLE VI—NORTHERN BORDER PROSECUTION INITIATIVE REIMBURSEMENT ACT**

**SEC. 601. SHORT TITLE.**

This title may be cited as the "Northern Border Prosecution Initiative Reimbursement Act".

**SEC. 602. NORTHERN BORDER PROSECUTION INITIATIVE.**

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term "case disposition"—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term "eligible northern border entity" means—



(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) **FEDERALLY DECLINED-REFERRED.**—The term “federally declined-referred”—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) **FEDERALLY INITIATED.**—The term “federally initiated” means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

#### **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act \$28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

**SA 4610.** Mr. THUNE (for himself and Mr. TALENT) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

#### **SEC. 5. ALTERNATIVE ENERGY REFUELING SYSTEMS.**

(a) **ESTABLISHMENT OF FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury a fund, to be known as the “Energy Security Fund” (referred to in this section as the “Fund”), consisting of—

(A) amounts transferred to the Fund under paragraph (2); and

(B) amounts credited to the Fund under paragraph (3)(C).

(2) **TRANSFERS TO FUND.**—For fiscal year 2006 and each fiscal year thereafter, there is appropriated to the Fund an amount determined by the Secretary of the Treasury to be equal to the total amount deposited in the general fund of the Treasury for the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code (including funds obtained under consent decrees).

(3) **INVESTMENT OF AMOUNTS.**—

(A) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(C) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

(4) **USE OF AMOUNTS IN THE FUND.**—Amounts in the Fund shall be made available to the Administrator of the Environmental Protec-

tion Agency for use in carrying out the reimbursement program for alternative energy refueling under section 9003(h)(13) of the Solid Waste Disposal Act.

(b) **ALTERNATIVE ENERGY REFUELING.**—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by adding at the end the following:

“(13) **ALTERNATIVE ENERGY REFUELING SYSTEMS.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **ALTERNATIVE ENERGY REFUELING SYSTEM.**—The term ‘alternative energy refueling system’ means a system composed of 1 or more underground storage tanks, pumps, and pump fittings or other related infrastructure that is used to refuel motor vehicles with—

“(I) compressed natural gas;

“(II) E-85 ethanol;

“(III) a fuel described in section 30C(c)(1) of the Internal Revenue Code of 1986; or

“(IV) any other alternative fuel, as determined by the Administrator.

“(ii) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means a refueling vendor or other person that is an owner or operator of a service station or other facility at which an alternative energy refueling system is located or proposed to be located.

“(iii) **ENERGY SECURITY FUND.**—The term ‘Energy Security Fund’ means the Energy Security Fund established by section 5(a)(1) of the Department of Homeland Security Appropriations Act, 2007.

“(B) **REIMBURSEMENT PROGRAM.**—

“(i) **ESTABLISHMENT.**—Not later than 90 days after the date of enactment of this paragraph, the Administrator shall establish a program to provide to eligible entities, for each of fiscal years 2007 through 2011, reimbursement from the Energy Security Fund of a portion of the costs of purchasing and installing 1 or more alternative energy refueling systems, including any alternative energy refueling system intended to replace a petroleum refueling tank or system.

“(ii) **APPLICATION.**—An eligible entity that seeks to receive reimbursement described in clause (i) shall submit to the Administrator an application by such time, in such form, and containing such information as the Administrator shall prescribe.

“(iii) **TIMING OF REIMBURSEMENT.**—Not later than 30 days after the date on which the Administrator, in consultation with the appropriate State agency, verifies that an alternative energy refueling system for which reimbursement is requested by an eligible entity under this paragraph has been installed and is operational, the Administrator shall provide the reimbursement to the eligible entity.

“(iv) **LIMITATIONS.**—

“(I) **PROHIBITION ON RECEIPT OF DUAL BENEFITS.**—An eligible entity that receives a tax credit under section 30C of the Internal Revenue Code of 1986 for placing in service a qualified alternative fuel vehicle refueling property (as defined in that section) may not receive any reimbursement under this paragraph for an alternative energy refueling system on the property if the cost of the alternative energy refueling system was taken into consideration in calculating the tax credit.

“(II) **NUMBER OF SYSTEMS.**—An eligible entity may not receive reimbursement under this paragraph for more than 2 alternative energy refueling systems for each facility owned or operated by the eligible entity.

“(III) **AMOUNT.**—The amount of reimbursement provided for an alternative energy refueling system under this paragraph shall not exceed the lesser of—

“(aa) the amount that is 30 percent of the cost of the alternative energy refueling system; or

“(bb) \$30,000.

“(C) **FURTHER APPROPRIATION.**—Reimbursement authorized under this paragraph shall be provided by the Administrator without further appropriation.

“(D) **NO EFFECT ON OTHER RESPONSIBILITIES.**—Nothing in this paragraph affects any obligation of an owner or operator to comply with other provisions of this subtitle.”.

**SA 4611.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “\$166,456,000” and insert “\$164,456,000”.

On page 104, line 9, strike “\$106,414,000” and insert “\$108,414,000”.

On page 104, line 20, after “2007,” insert the following: “Provided further, That of the amount provided under this heading not less than \$2,000,000 shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory.”.

**SA 4612.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

#### **SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.**

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) **REPORT TO CONGRESS.**—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(c) **SAFECOM PILOT.**—The Secretary of Homeland Security shall make \$1,000,000 of its SAFECOM Program funds available to conduct a pilot project based on the bi-national component of the integrated plan developed under subsection (a)(2).

**SA 4613.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** The Secretary of Homeland Security may not take any action to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide,

including the civil engineering units, facilities, and design and construction centers, the Coast Guard Academy, and the Research and Development Center until the Committees on Appropriations and Commerce, Science, and Transportation of the Senate receive and approve a plan on changes to the Civil Engineering Program of the Coast Guard. The plan shall include a description of the current functions of the Civil Engineering Program and a description of any proposed modifications of such functions and of any proposed modification of personnel and offices, including the rationale for such modification, an assessment of the costs and benefits of such modification, any proposed alternatives to such modification, and the processes utilized by the Coast Guard and the Office of Management and Budget to analyze and assess such modification.

**SA 4614.** Mr. GREGG (for Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 93, line 4, before the period insert the following: “: *Provided further*, That for grants under subparagraphs (B) through (F), the applications for such grants shall be made available to eligible applicants not later than 75 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 45 days after the date of the grant announcement, and the Office for Domestic Preparedness shall act on such applications not later than 45 days after the date on which such an application is received”.

**SA 4615.** Mr. VITTER (for himself, Mr. INHOFE, Mr. ENZI, Mr. THUNE, Mr. BURNS, Mr. BROWNBACK, Mr. MARTINEZ, Mr. DOMENICI, Mr. GREGG and Mr. BYRD) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.**

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm during an emergency or major disaster (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) if the possession of such firearm is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

**SA 4616.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 7 and 8 and insert the following:

(4) \$331,500,000 for training, exercises, technical assistance, and other programs (including mass evacuation preparation and exercises):

**SA 4617.** Mr. LEVIN (for himself, Ms. STABENOW, and Mr. VOINOVICH) sub-

mitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

**SEC. 5 \_\_\_\_ . SCREENING OF MUNICIPAL SOLID WASTE.**

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term “commercial motor vehicle” has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term “Commissioner” means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term “municipal solid waste” includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

**SA 4618.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to take an action that would violate Executive Order 13149 (65

Fed. Reg. 24607; relating to greening the government through Federal fleet and transportation efficiency).

**SA 4619.** Mr. DURBIN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall establish revised procedures for expeditiously clearing individuals whose names have been mistakenly placed on the TSA Watch List or who have names identical or similar to individuals on the TSA Watch List. The Secretary shall advise Congress of the procedures established.

**SA 4620.** Mr. BYRD (for himself, Mr. LIEBERMAN, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

**SA 4621.** Mr. BAUCUS (for himself, Ms. CANTWELL, Mrs. MURRAY, Mr. BURNS, Mr. CRAIG, and Mr. COLEMAN) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish and conduct a pilot program at the Northern Border Air Wing bases of the Office of CBP Air and Marine, United States Customs and Border Protection, to test unmanned aerial vehicles for border surveillance along the international marine and land border between Canada and the United States.

**SA 4622.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the feasibility and advisability of locating facilities and assets of the Coast Guard in the Federal City Project of New Orleans, Louisiana, as described in the report of the Defense Base Closure and Realignment Commission submitted to the President in 2005 during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

**SA 4623.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 13, before the period insert “: *Provided*, that an additional \$21,500,000 shall be made available under this heading for the grants authorized under title I of the Enhance Act of 2004 (Public Law 108-494; 118 Stat. 3986)”.

**SA 4624.** Mr. OBAMA (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 4, insert after “Act” the following: “: *Provided further*, That none of the funds appropriated or otherwise made available under this heading may be used to enter into contracts using procedures based upon the unusual and compelling urgency exception to competitive procedures requirements under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code, unless the contract is for the procurement of only such property and services as are necessary to address the immediate emergency and is only for so long as is necessary to put competitive procedures in place in connection with such procurement and the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives of such contract not later than 7 days after the contract is entered into”.

**SA 4625.** Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

#### SEC. 540. REGISTRATION OF GSE SECURITIES.

(a) FANNIE MAE.—

(1) MORTGAGE-BACKED SECURITIES.—Section 304(d) of the Federal National Mortgage As-

sociation Charter Act (12 U.S.C. 1719(d)) is amended by striking the fourth sentence and inserting the following: “Securities issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.”.

(2) SUBORDINATE OBLIGATIONS.—Section 304(e) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(e)) is amended by striking the fourth sentence and inserting the following: “Obligations issued by the corporation under this subsection shall not be exempt securities for purposes of the Securities Act of 1933.”.

(3) SECURITIES.—Section 311 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723c) is amended—

(A) in the section heading, by striking “ASSOCIATION”;

(B) by inserting “(a) IN GENERAL.—” after “SEC. 311.”;

(C) in the second sentence, by inserting “by the Association” after “issued”; and

(D) by adding at the end the following:

“(b) TREATMENT OF CORPORATION SECURITIES.—

“(1) IN GENERAL.—Any stock, obligations, securities, participations, or other instruments issued or guaranteed by the corporation pursuant to this title shall not be exempt securities for purposes of the Securities Act of 1933.

“(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) APPROVED SELLER.—The term ‘approved seller’ means an institution approved by the corporation to sell mortgage loans to the corporation in exchange for pooled certificates.

“(B) POOLED CERTIFICATES.—The term ‘pooled certificates’ means single class mortgage-backed securities guaranteed by the corporation that have been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.

“(4) MORTGAGE RELATED SECURITIES.—A single class mortgage-backed security guaranteed by the corporation that has been issued by the corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities or directly by the corporation for cash shall be deemed to be a mortgage related security, as defined in section 3(a) of the Securities Exchange Act of 1934.”.

(b) FREDDIE MAC.—Section 306(g) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(g)) is amended to read as follows:

“(g) TREATMENT OF SECURITIES.—

“(1) IN GENERAL.—Any securities issued or guaranteed by the Corporation shall not be exempt securities for purposes of the Securities Act of 1933.

“(2) EXEMPTION FOR APPROVED SELLERS.—Notwithstanding any other provision of this title or the Securities Act of 1933, transactions involving the initial disposition by an approved seller of pooled certificates that are acquired by that seller from the Corporation upon the initial issuance of the pooled certificates shall be deemed to be transactions by a person other than an issuer, underwriter, or dealer for purposes of the Securities Act of 1933.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) APPROVED SELLER.—The term ‘approved seller’ means an institution approved by the Corporation to sell mortgage loans to the Corporation in exchange for pooled certificates.

“(B) POOLED CERTIFICATES.—The term ‘pooled certificates’ means single class mortgage-backed securities guaranteed by the Corporation that have been issued by the Corporation directly to the approved seller in exchange for the mortgage loans underlying such mortgage-backed securities.”.

(c) NO AFFECT ON TRUST INDENTURE ACT OF 1939.—Nothing in this section or the amendments made by this section shall be construed to affect any exemption from the provisions of the Trust Indenture Act of 1939, provided to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(d) TREATMENT OF FEES.—Fees collected by the Securities and Exchange Commission from the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation as a result of the amendments made by this section shall not be considered to be offsetting collections to the account providing appropriations to the Securities and Exchange Commission for any fiscal year, and shall be deposited in the general fund of the Treasury.

(e) REGULATIONS.—The Securities and Exchange Commission may issue such regulations as may be necessary or appropriate to carry out this section and the amendments made by this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall become effective 1 year after the date of enactment of this Act.

**SA 4626.** Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 22, strike “\$90,122,000” and insert “\$82,545,000”.

On page 66, line 5, strike “\$166,456,000” and insert “\$144,003,000”.

On page 94, line 17, strike “\$655,000,000” and insert “\$685,000,000”.

On page 94, line 17, strike “\$540,000,000” and insert “\$555,000,000”.

One page 94, line 19, strike “\$115,000,000” and insert “\$130,000,000”.

**SA 4627.** Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, lines 1 and 2, strike “\$288,084,000, to remain available until expended.” and insert the following: “\$2,117,484,000, of which not less than \$1,184,000,000 shall be for the construction of 370 miles of double-layered fencing along the international border between the United States and Mexico; of which not less than \$645,400,000 shall be for the construction of not less than 461 miles of vehicle barriers along the international border between the United States and Mexico, of which the remaining amount shall remain available until expended.”.

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. All discretionary amounts made available under this Act, other than the amount appropriated under the "Customs and Border Protection construction" subheading, shall be reduced on a pro rata basis by \$1,829,400,000.

**SA 4628.** Mr. SESSIONS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "\$3,740,357,000" and insert "\$3,826,027,000, of which not less than \$104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108 458);".

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Secretary to aliens under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546) by notice in the Federal Register not later than January 1, 2007, to achieve not less than \$85,670,000 in additional receipts by September 30, 2007.

(b) The fees collected pursuant to the adjustment of fees made under subsection (a) shall be in addition to the fees authorized under section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

**SA 4629.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8, strike "\$3,740,357,000" and insert "\$3,826,027,000, of which not less than \$104,000,000 shall be available to increase the number of full time active duty investigators employed by the Department of Homeland Security to investigate violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) by not less than 800 above the number of such positions for which funds were made available during the fiscal year ending September 30, 2006, as provided in section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108 458);".

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. All discretionary amounts made available under this Act, other than the amount appropriated under the "Immigration and Customs Enforcement salaries and expenses" subheading, shall be reduced on a pro rata basis by \$85,670,000.

**SA 4630.** Mr. SESSIONS (for himself and Mr. ENSIGN) submitted an amend-

ment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) The amount appropriated by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" and under the subheading "SALARIES AND EXPENSES" is hereby increased by \$161,000,000.

(b) Notwithstanding any other provision of this Act, of the amount made available under such subheading—

(1) not less than \$140,000,000 shall be used to fund 4,000 detention beds pursuant to section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) and such funds shall be used to supplement and not supplant the amounts made available for detention beds pursuant to such section in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234); and

(2) not less than \$150,560,000 shall be used for transportation costs related to the 4,000 additional detention beds funded by this Act and the 4,000 detention beds funded by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(c) All discretionary amounts made available under this Act, other than the amount appropriated under the subheading described in subsection (a), shall be reduced on a pro rata basis by \$161,000,000.

**SA 4631.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, beginning on line 6, strike "Provided" and all that follows through the colon on line 11, and insert "Provided further, That none of the funds appropriated in this Act or any other appropriations Act to carry out programs under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) may be redirected for any purpose or used for any purpose other than to carry out such programs:".

**SA 4632.** Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amounts appropriated or otherwise made available by this Act under the headings "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT", \$17,000,000 may be available for the establishment of a Northern border air wing in an appropriate location in the State of Michigan.

**SA 4633.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making ap-

propriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. Not later than February 8, 2007, the Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security shall submit a report to Congress on the costs and need for establishing a sub-office in Greeley, Colorado.

**SA 4634.** Mr. MENENDEZ (for himself and Mr. LAUTENBERG, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3 insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, appropriations under this Act may not be used for the purpose of providing—

(1) formula-based grants or law enforcement terrorism prevention grants, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable, with no State receiving less than 0.25 percent of the funds available for each such grant program, and American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands, each receiving 0.08 of the funds available for each such grant program;

(2) discretionary grants for use in high-threat, high-density urban areas, unless all such grants are allocated based on an assessment of threat, vulnerability, and consequence, to the maximum extent practicable; and

**SA 4635.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, line 8, insert the following: "Until the Secure Flight program or a follow on or successor passenger screening program has been deployed or implemented, of the amount made available under title II under the heading 'TRANSPORTATION SECURITY ADMINISTRATION' for aviation security, such sums as are necessary shall be available to provide airlines with technical or other assistance to better align their reservation and ticketing systems with the Transportation Security Administration's Watch List and in alleviating travel delays and other problems associated with mistaken identification.".

**SA 4636.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

# SEC. 540. REPORT ON CROSS BORDER COMMUNICATIONS CHALLENGES FOR THE 2010 OLYMPICS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of State, the Federal Communications Commission, and relevant agencies in the States of Alaska, Idaho, Montana, Oregon, and Washington, shall—

(1) evaluate the technical and operational challenges with respect to interoperable communications facing regional, local, State, and Federal authorities in preparing for the 2010 Olympics; and

(2) develop an integrated plan for addressing such technical and operational challenges.

(b) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit and present the plan developed under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**SA 4637.** Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,793,500,000”.

On page 93, between lines 8 and 9, insert the following:

(5) \$400,000,000 for interoperable communications grants, which is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

**SA 4638.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . FEDERAL EARTHQUAKE RESPONSE PLANS.

Not later than 90 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall submit a report to Congress outlining Federal earthquake response plans for high risk earthquake regions in the United States as determined by the United States Geological Survey.

**SA 4639.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. —.

Notwithstanding any other provision of this Act, funding made available under title VII, under the heading UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS may be used to acquire law enforcement patrol boats.

**SA 4640.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 9, strike “\$106,414,000” and insert “\$104,414,000”.

On page 105, line 1, strike “\$712,041,000” and insert “\$714,041,000”.

On page 105, line 7, strike “costs.” and insert the following: “costs: Provided further, That \$2,000,000 under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory.”

Provided further that funding will not be available until an memorandum of understanding between the Department of Homeland Security and the Department of Energy has been entered into.

**SA 4641.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike “\$2,393,500,000” and insert “\$12,083,500,000”.

On page 91, line 8, strike “\$500,000,000” and insert “\$2,896,000,000”.

On page 91, line 9, strike “\$350,000,000” and insert “\$2,027,000,000”.

On page 91, line 22, strike “\$1,172,000,000” and insert “\$6,789,000,000”.

On page 92, line 1, strike “\$745,000,000” and insert “\$4,315,000,000”.

On page 92, line 3, strike “\$210,000,000” and insert “\$1,216,000,000”.

On page 92, line 9, strike “\$5,000,000” and insert “\$30,000,000”.

On page 92, line 11, strike “\$12,000,000” and insert “\$69,000,000”.

On page 92, line 13, strike “\$150,000,000” and insert “\$869,000,000”.

On page 92, line 17, strike “\$50,000,000” and insert “\$290,000,000”.

On page 94, line 17, strike “\$655,000,000, of which \$540,000,000” and insert “\$3,794,000,000, of which \$3,128,000,000”.

On page 94, line 19, strike “\$115,000,000” and insert “\$666,000,000”.

On page 95, line 5, strike “\$205,000,000” and insert “\$1,187,000,000”.

On page 96, line 6, strike “\$45,887,000” and insert “\$265,800,000”.

On page 96, line 12, strike “\$525,056,000, of which \$442,547,000” and insert “\$3,041,200,000, of which \$2,554,608,000”.

**SA 4642.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike “\$166,456,000” and insert “\$152,956,000”.

On page 91, line 6, strike “\$2,393,500,000” and insert “\$2,407,000,000”.

On page 93, strike lines 7 and 8 and insert the following:

(4) \$345,000,000 for training, exercises, technical assistance, and other programs: Provided, That not less than \$25,000,000 is for technical assistance:

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 12, 2006, at 10:30 a.m., to conduct a hearing on the nominations of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwsky Conlin, of New Jersey, to be first Vice President of the Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; and Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 11:30 a.m. The purpose of this meeting is to consider the nomination of Marc Spitzer of Arizona to be a member of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, July 12, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on “S. 3495—A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam”.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 12, 2006, at 9:30 a.m. to hold a hearing on Multilateral Development Banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 12, 2006, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building, to conduct a hearing on S. 660, the Lumbee Recognition Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate

Committee on the Judiciary be authorized to meet to conduct a hearing on Examining the Need for Comprehensive Immigration Reform Part II" on Wednesday, July 12, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216.

#### Witness list

Panel I: The Honorable Carlos M. Gutierrez, Secretary of Commerce, Washington, DC.

Panel II: Mr. Michael W. Cutler, Fellow, Center for Immigration Studies, Washington, DC, Mr. Ben Johnson, Director, Immigration Policy Center, Washington, DC, Dr. William McDonauld, Professor of Sociology and Anthropology, and Deputy Director, Institute of Criminal Law and Procedure, Georgetown University Law Center, Washington, DC, Mr. Niall O'Dowd, Founder and Chairman, The Irish Lobby for Immigration Reform, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled "Strengthening Participation of Small Businesses in Federal Contracting and Innovation Research Programs," on Wednesday, July 12, 2006, beginning at 10:30 a.m. in Room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 12, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. GREGG. I ask unanimous consent that the following interns be granted the privilege of the floor during consideration of the fiscal year 2007 Homeland Security appropriations bill and any votes that may occur in relation thereto: Jeff Gonzalez, Kerri Temple, Elliot Nethercutt, Hilary Bonaccorsi, and Laura Chisholm.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONDEMNING THE TERRORIST ATTACKS IN INDIA

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 527 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 527) condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 527) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 527

Whereas, on July 11, 2006, during evening rush hour, 7 major explosions occurred on commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 400 innocent people;

Whereas the Prime Minister of India, Manmohan Singh, has urged calm in the country and vowed to take all possible measures to maintain law and order and to defeat the forces of terrorism;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of 8 innocent civilians and wounded 39 others in tourist areas of Srinagar, the capital city of Indian Kashmir;

Whereas the United States and India are both multicultural, multireligious democracies that abhor terrorism in all its forms and will continue to work steadfastly together to overcome terrorist ideology and establish peace and security;

Whereas the people of India have long faced, with bravery and resolve, past acts of terrorism, including twin bombings at a train station and a temple in the Hindu holy city of Varanasi that killed 20 people in March 2006, a series of bombings in New Delhi a day before the Hindu festival of Diwali that resulted in the death of more than 60 people in October 2005, 2 simultaneous car bombings in Mumbai that killed 52 people in August 2003, a bombing on a passenger train in Mumbai that killed 10 people in March 2003, an attack on a Hindu temple in the state of Gujarat that left 33 people dead in September 2002, an attack on India's parliament in New Delhi in December 2001 that left 14 people dead and precipitated a 5-month military stand off with neighboring Pakistan, a series of bombings that struck the Mumbai stock exchange, killing 257 people and wounding more than 1,000 others, and countless attacks in Indian Kashmir that have resulted in the deaths of tens of thousands of people over the last 16 years;

Whereas the terrorists responsible for these attacks seek to disrupt the free, democratic, and pluralistic lifestyle enjoyed by the people of India;

Whereas the Government of India has been engaged in joint efforts with the United States Government to combat terrorism and to ensure a safer and more secure world; and

Whereas the governments of countries throughout the world strongly condemned the attacks in Mumbai, including the United States Government and the Governments of Pakistan, the United Kingdom, and France: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns in the strongest terms the July 11, 2006, terrorist attacks in Mumbai, India;

(2) expresses its condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms; and

(4) expresses its support for the enhancement of strategic cooperation between the United States and India, with the goal of combating terrorism and advancing peace and security.

#### AUTHORIZING PRINTING OF REVISED EDITION OF U.S. CONSTITUTION AND OTHER PUBLICATIONS

Mr. McCONNELL. I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 108 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 108) was agreed to, as follows:

#### S. CON. RES. 108

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 22nd edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$198,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

#### SEC. 2. OUR FLAG.

(a) IN GENERAL.—The 2006 revised edition of the publication entitled "Our Flag" shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies



shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of \$215,000 with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 for each Member of Congress.

### SEC. 3. A BOTANIC GARDEN FOR THE NATION.

(a) IN GENERAL.—There shall be printed as a Senate document under the direction of the Joint Committee on Printing the book entitled “A Botanic Garden for the Nation”, prepared by the United States Botanic Gardens.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 3,075 copies of the document, of which 725 copies shall be for the use of the Senate and 1,470 for the use of the House of Representatives with distribution determined by the Joint Committee on Printing, 880 copies for the use of the Botanic Gardens with distribution determined by the Joint Committee of Congress on the Library; or

(2) a number of copies that does not have a total production and printing cost of more than \$102,000.

### DESIGNATING “NATIONAL VETERANS AWARENESS WEEK”

#### DESIGNATING OCTOBER 20, 2006, AS “NATIONAL MAMMOGRAPHY DAY”

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from consideration of the following, and that the Senate then proceed en bloc to their consideration: S. Res. 507, S. Res. 508.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 507) designating the week of November 5 through 11, 2006, as “National Veterans Awareness Week.”

A resolution (S. Res. 508) designating October 20, 2006, as “National Mammography Day.”

There being no objection, the Senate proceeded to consider the resolutions.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, the preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that the consideration of these items appear separately in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 507 and S. Res. 508) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

#### S. RES. 507

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 2, 2005, President George W. Bush issued a proclamation urging all the people of the United States to observe November 6 through November 12, 2005, as “National Veterans Awareness Week”: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 5 through November 11, 2006, as “National Veterans Awareness Week”; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

#### S. RES. 508

Whereas, according to the American Cancer Society, in 2006, 212,920 women will be diagnosed with breast cancer and 40,970 women will die from that disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that, in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30-percent greater mortality rate from breast cancer than White women and more than 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 20, 2006, as “National Mammography Day”; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

#### DESIGNATING “NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY”

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Res. 499.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 499) designating September 9, 2006, as “National Fetal Alcohol Spectrum Disorders Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, in June of this year, parents of children afflicted with fetal alcohol spectrum disorders and their advocates traveled to our Nation’s Capital for the annual FASD Hill Day. FASD Hill Day is sponsored by the National Organization on Fetal Alcohol Syndrome and organizations that support those who care for FASD children in our States and communities.

Nobody knows better than a parent of a child afflicted with FASD how challenging it is to raise a child who was exposed to alcohol before birth. Nobody knows better the physical, mental, behavioral and learning disabilities that can have lifelong implications. I hope that my colleagues had the opportunity to meet with the parents and advocates who participated in FASD Hill Day because they had a very important story to tell. I am sure their stories moved you, as they did me.

At the conclusion of FASD Hill Day, the National Organization on Fetal Alcohol Syndrome hosted its annual Leadership Awards Benefit Reception, which was attended by the parents and advocates, as well as the children. I am pleased to inform my colleagues that the distinguished Senator from North Dakota, Mr. DORGAN, received the 2006 Leadership Award at the benefit reception. As a Senator who represents a State with one of the highest incidence rates of fetal alcohol spectrum disorders, I appreciate the leadership of Mr. DORGAN and the support of all our colleagues, in the crusade to eradicate FASD.

The term “fetal alcohol spectrum disorders” was coined by experts as an umbrella term to describe the range of effects that can occur in an individual whose mother drank alcohol during pregnancy. It refers to conditions such as fetal alcohol syndrome, fetal alcohol effects, alcohol-related neurodevelopmental disorder and alcohol-related birth defects.

The only cause of FASD is alcohol use during pregnancy. When a pregnant woman drinks, the alcohol crosses the placenta into the fetal blood system, reaching the fetus, its developing tissues, and organs. This is how brain damage occurs, which in turn can lead to mental retardation, social and emotional problems, learning disabilities and other problems. It will shock my

colleagues to know that FASD is the leading cause of mental retardation in all of Western civilization, including the United States.

By abstaining from the consumption of alcohol during pregnancy a woman can be 100 percent certain that her baby will not be born with any of the conditions regarded as fetal alcohol spectrum disorders. Every day of the year we must remind women that no amount of alcohol consumed during pregnancy is safe for their baby. No alcohol during pregnancy is safe. None at all.

To dramatize this point, a group of parents raising children afflicted with FASD came together on the Internet and wondered in cyberspace, "What if a world full of FASD parents came together on the 9th hour of the 9th day of the 9th month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol?" If this were to occur, they wondered, "Would the world listen?"

These pioneering activists, many of whom were adoptive and foster parents, organized the first International Fetal Alcohol Syndrome Awareness Day, which was observed on September 9, 1999. On the 9th hour of the 9th day of the 9th month every year they call upon all the peoples of this Nation, and all the peoples of this world, to observe a moment of silence to remind women of childbearing age that no amount of alcohol is safe during pregnancy. Their group continues to grow, including more than 70 volunteer coordinators in eight countries. Through this grassroots awareness effort, many women of childbearing age are learning that no amount of alcohol during pregnancy is safe.

On September 9, 2004, for the first time, the moment of silence was observed on the Senate floor. It is my hope that the Senate honor this moment every year until fetal alcohol spectrum disorders are eradicated.

The resolution that I have introduced, S. Res. 499, designates September 9, 2006, as National Fetal Alcohol Spectrum Awareness Day. I thank my colleagues for their consideration and support of this resolution, which is so very important to the millions of Americans who are touched by FASD.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 499) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 499

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions and therefore has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can

occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of mental retardation in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas the economic cost of fetal alcohol syndrome alone to the Nation was \$5,400,000,000 in 2003 and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$1,500,000 and \$3,000,000 in his or her lifetime;

Whereas, in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 9, 2006, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2006, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

#### NATIONAL MOTTO OF THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to S. Con. Res. 96.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 96) to commemorate, celebrate, and reaffirm the

national motto of the United States on the 50th anniversary of its formal adoption.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 96) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 96

Whereas the phrase "In God We Trust" is the national motto of the United States;

Whereas, from the colonial beginnings of the United States, citizens of the Nation have officially acknowledged their dependence on God;

Whereas, in 1694, the phrase "God Preserve Our Carolina and the Lords Proprietors" was engraved on the Carolina cent and the phrase "God Preserve Our New England" was inscribed on coins that were minted in New England during that year;

Whereas, while declaring the independence of the United States from Great Britain, the Founding Fathers of the Nation asserted: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.;"

Whereas those signers of the Declaration of Independence further declared: "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.;"

Whereas, in 1782, one of the great leaders of the United States, Thomas Jefferson, wrote: "[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath?";

Whereas the distinguished founding statesman, Benjamin Franklin, when speaking in 1787 at the Constitutional Convention, declared: "Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth — that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, Sir, in the sacred writings that 'except the Lord build they labor in vain that build it.' I firmly believe this; and I also believe that without His concurring aid we shall succeed in this political building no better than the Builders of Babel. . . .";

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: "[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and

whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.”;

Whereas one stanza of the “Star Spangled Banner”, which was written by Francis Scott Key in 1814 and adopted as the national anthem of the United States in 1931, states: “O thus be it ever when free-men shall stand, Between their lov’d home and the war’s desolation; Blest with vict’ry and peace, may the heav’n-rescued land Praise the Pow’r that hath made and preserv’d us as a nation! Then conquer we must, when our cause it is just, And this be our motto: ‘In God is our trust!’ And the star-spangled banner in triumph shall wave O’er the land of the free and the home of the brave!”;

Whereas, in 1861, the Secretary of the Treasury, Salmon P. Chase, while instructing James Pollock, Director of the Mint at Philadelphia, to prepare a motto, stated: “No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.”;

Whereas the phrase “In God We Trust” first appeared on a coin of the United States in 1864;

Whereas, in 1955, the phrase “In God We Trust” was designated as a mandatory phrase to be inscribed on all currency and coins of the United States;

Whereas, on March 28, 1956, the Judiciary Committee of the House of Representatives, in its report accompanying H. J. Res. 396 (84th Congress), stated: “It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English.”;

Whereas, on July 30, 1956, President Dwight D. Eisenhower signed H. J. Res. 396 (84th Congress), making the phrase “In God We Trust” the official motto of the United States; and

Whereas the occasion of the 50th anniversary of the formal adoption of the national motto of the United States, “In God We Trust”, presents an opportunity for the citizens of the United States to reaffirm the concept embodied in that motto that—

(1) the proper role of civil government is derived from the consent of the governed, who are endowed by their Creator with certain unalienable Rights; and

(2) the success of civil government relies firmly on the protection of divine Providence; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) commemorates the 50th anniversary of the national motto of the United States, “In God We Trust”;

(2) celebrates the national motto as—

(A) a fundamental aspect of the national life of the citizens of the United States; and

(B) a phrase that is central to the hopes and vision of the Founding Fathers for the perpetuity of the United States;

(3) reaffirms today that the substance of the national motto is no less vital to the future success of the Nation; and

(4) encourages the citizens of the United States to reflect on—

(A) the national motto of the United States; and

(B) the integral part that the national motto of the United States has played in the

life of the Nation, before and after its official adoption.

#### LOUIS BRAILLE BICENTENNIAL— BRAILLE LITERACY COMMEMORATIVE COIN ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 2872 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2872) to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2872) was ordered to a third reading, was read the third time, and passed.

#### MEASURE PLACED ON THE CALENDAR—S. 3637

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3637) to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

Mr. MCCONNELL. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### MEASURE READ THE FIRST TIME—H.R. 4411

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes.

Mr. MCCONNELL. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for

the second time on the next legislative day.

#### ORDERS FOR THURSDAY, JULY 13, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow, Thursday, July 13, 2006. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, that following morning business, the Senate then resume consideration of H.R. 5441, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. MCCONNELL. Mr. President, today we made good progress on the Homeland Security appropriations bill. Tomorrow we will continue on it. It is the hope and expectation of the majority leader and Chairman GREGG that we will complete the bill by tomorrow evening. If Senators have amendments to offer, they should be working with the bill managers in order to get those amendments in the queue for consideration tomorrow. Obviously, we will have a busy day with votes throughout the day. Again, let me remind everyone it is the intention of the leader and the chairman of the Homeland Security Subcommittee that we finish the bill tomorrow night. I have every confidence that with everyone's cooperation, we will be able to do that.

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:16 p.m., adjourned until Thursday, July 13, 2006 at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 12, 2006:

##### DEPARTMENT OF STATE

PHILIP S. GOLDBERG, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

JOHN C. ROOD, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL SECURITY AND NON-PROLIFERATION), VICE STEPHEN GEOFFREY RADEMAKER, RESIGNED.

##### INTERNATIONAL BANKS

HENRY M. PAULSON, JR., OF NEW YORK, TO BE UNITED STATES GOVERNOR OF THE INTERNATIONAL MONETARY

FUND FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES GOVERNOR OF THE ASIAN DEVELOPMENT BANK; UNITED STATES GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOHN W. SNOW, RESIGNED.

#### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

M. SUZANNE ARCHULETA, OF COLORADO  
JUAN T. AVECILLA, OF CALIFORNIA  
JAMES ANDREW BAIL IV, OF FLORIDA  
NORMAN H. BARTH, OF CALIFORNIA  
JEREMY A. BECK, OF IDAHO  
GREGORY L. BERNSTEEN, OF FLORIDA  
CHRISTOPHER WATKINS, BISHOP, OF MISSISSIPPI  
MATTHEW A. BOCKNER, OF THE DISTRICT OF COLUMBIA  
SUZANNE L. BODDIN, OF MASSACHUSETTS  
KEVIN MICHAEL BRADY, OF TEXAS  
KIRNINDER P. BRAICH, OF NEW JERSEY  
WALTER BRAUNOHLER, OF MICHIGAN  
LAURA J. BROWN, OF VIRGINIA  
RACHEL BRUNETTE-CHEN, OF VIRGINIA  
DOUGLAS C. CAREY, OF CALIFORNIA  
JOSH M. CARTON, OF FLORIDA  
JOSEPH LEE CHAMBERLAIN, OF COLORADO  
VINAY CHAWLA, OF NEW JERSEY  
AMY L. CHRISTIANSON, OF VIRGINIA  
MICHAEL A. CLASSICK, OF OREGON  
MICHAEL CLAUSEN, OF NEW YORK  
CAROLYN H. COBERLY, OF VIRGINIA  
APRIL C. COHEN, OF NEW YORK  
ANNE SOPHIE COLEMAN, OF ILLINOIS  
PATRICK J. CONNELL, OF MASSACHUSETTS  
BARBARA CORDANO, OF TEXAS  
JASON L. CRAIG, OF UTAH  
COLLEEN ELIZABETH CRENWELGE, OF TEXAS  
JUSTIN CHARLES CREVIER, OF WASHINGTON  
MARTIN A. DALE, OF IOWA  
LOREN NICOLE DENT, OF FLORIDA  
RACHAEL THOMASIN DOHERTY, OF THE DISTRICT OF COLUMBIA  
REBEKAH DRAME, OF CALIFORNIA  
T. ALAN ELDROD, OF WYOMING  
ANN MARIE LOFRISCO EVERITT, OF FLORIDA  
TIMOTHY EYDELNANT, OF ILLINOIS  
STEFANIE BATES EYE, OF TEXAS  
GEORGE FARAG, OF NEW JERSEY  
KATHRYN SMITH FITZRELL, OF FLORIDA  
WILLIAM FLENS, OF ILLINOIS  
B. JAMISON FOUSS, OF COLORADO  
REBECCA L. FRERICHS, OF WYOMING  
LESLIE DIANE FRIESEN, OF TEXAS  
DANIEL L. GAGE, OF FLORIDA  
DAVID J. GAINER, OF NEW HAMPSHIRE  
PETER JAMES GANSER, OF VIRGINIA  
MARY BETH GOODMAN, OF THE DISTRICT OF COLUMBIA  
NIKOLAS EDWIN GRANGER, OF WASHINGTON  
GABRIELLE J. GUIMOND, OF WASHINGTON  
JONATHAN ALEXANDER HABJAN, OF CALIFORNIA  
JASON EDWARD HAHN, OF NEW YORK  
CHARLES JEFFREY HAMILTON, OF UTAH  
THOMAS WAYNE HAMM, OF MASSACHUSETTS  
DARRIN SCOTT HANEY, OF TEXAS  
JOHN T. HARDMAN, OF MARYLAND  
DAVID BRIAN HARRISON, OF FLORIDA  
INGA HEMINK, OF TEXAS  
CAROLINA HIDEA, OF ARIZONA  
JOHNATHAN ALEXANDER HILTON, OF ALABAMA  
JEROME P. HOHMAN, OF CALIFORNIA  
HOLLY C. HOLZER, OF CALIFORNIA  
D. IAN HOPPER, OF VIRGINIA  
ELIZABETH S. HOSINSKI, OF VIRGINIA  
ROKSANA K. HOUGE, OF TEXAS  
JOHN J. IBARRA, OF TEXAS  
PHILIP MATTHEW INGENERI, OF MAINE  
MICHELLE JAVOR, OF MINNESOTA  
JOHN E. JOHNSON, OF WASHINGTON  
THOMAS L. JOHNSTON III, OF COLORADO  
JAMES DAVID KAY, OF WASHINGTON  
MARK EVANS KENDRICK, OF TEXAS  
STEPHEN CHRISTIAN KOCHUBA, OF PENNSYLVANIA  
ERIN ELIZABETH KOTHEIMER, OF NEW YORK  
ALBERT J. KRAAIMOORE, OF OREGON  
NEILL G. KROST, OF CALIFORNIA  
SANDRA ANNE LABARGE, OF WASHINGTON  
LOURDES MARIA LAMELA, OF THE DISTRICT OF COLUMBIA  
RACHEL MARIE LEATHAM, OF VIRGINIA  
RODNEY SCOTT LEGRAND, OF VIRGINIA  
AMY CATHERINE LENK, OF MINNESOTA  
JAMES V. LIDDLE, OF THE DISTRICT OF COLUMBIA  
AARON L. LUSTER, OF ARKANSAS  
ERIK C. MARTINI, OF VIRGINIA  
TIFFANY LAVERN MCGRIFF, OF NEW JERSEY  
PATRICIA LAVN MEEKS, OF VIRGINIA  
TRACI L. MELL, OF ILLINOIS  
HARRY B. MEYER, OF MARYLAND  
TETTA MARIA MOEHS, OF VIRGINIA  
DANIELLE MONOSSON, OF THE DISTRICT OF COLUMBIA  
MEGHAN MARIE MOORE, OF ALASKA  
NICHOLAS S. NAMBA, OF CONNECTICUT  
BRENDAN J. O'BRIEN, OF NEW JERSEY

MARK ALAN PANNELL, OF WASHINGTON  
ELAINE A. PAPLOS, OF NORTHERN MARIANA ISLANDS  
DANTE PARADISO, OF OREGON  
RONALD DREW PERKEL, OF COLORADO  
JON E. PIECHOWSKI, OF ILLINOIS  
AMANDA CAROL CECILIA PILZ, OF CALIFORNIA  
JAMES H. POTTS III, OF INDIANA  
ALLEN LEWIS POWELL, OF VIRGINIA  
JAY R. RAMAN, OF TENNESSEE  
SANJAY RAMESH, OF NEW JERSEY  
ROBERT BENJAMIN RICHARDS, OF VIRGINIA  
JEFFREY E. RIGLER, OF FLORIDA  
PHILIP W. ROSKAMP, OF TEXAS  
JOSHUA NATHANIEL RUBIN, OF VIRGINIA  
AARON BEERS SAMPSON, OF MINNESOTA  
DAVID J. SHAO, OF TEXAS  
KATHERINE D. SHARP, OF WYOMING  
MACHUTMI AWUNGSHI SHISHAK, OF PENNSYLVANIA  
JAMES MATTHEW SINDLE, OF TEXAS  
JORDAN STANCIL, OF MICHIGAN  
STEPHEN M. STARK, OF MICHIGAN  
LISA SWENARSKI DE HERRERA, OF CALIFORNIA  
CATHERINE E. TAYLOR, OF UTAH  
SONIA FRANCESCA URBOM, OF WASHINGTON  
ANDREW M. VEPREK, OF LOUISIANA  
NEAL ROBERT VERMILLION, OF WISCONSIN  
MICHAEL ALLEN VIA, OF ARIZONA  
JULIE MARGUERITE VIBUL, OF TENNESSEE  
GEORGE LAVELL WARD, OF MARYLAND  
TANYA GANT WARD, OF OREGON  
WILLIAM W. WHITTAKER, OF ALASKA  
DAVID SIDNEY WILLIAMS, OF CALIFORNIA  
STEFANIE ALTMAN WINANS, OF VIRGINIA  
NOELLE OLIVE WRIGHT-YOUNG, OF FLORIDA  
CHRISTIAN YARNELL, OF NEW JERSEY  
KENNETH MARK ZURCHER, OF KANSAS  
AREND C. ZWARTJES, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED: CAREER MEMBER OF THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOHN D. LAVELLE, JR., OF VIRGINIA

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

#### To be captain

WADE J. BLAKE  
BRIAN K. TAGGERT  
JOHN E. HERRING  
CHRISTOPHER S. MOORE

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. ROBERT T. DAIL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. STANLEY A. MCCHRISTAL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. MICHAEL A. KUEHR, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. JAMES B. MALLORY III, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be major general

BRIG. GEN. JIMMY G. WELCH, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

LT. GEN. JOHN F. SATTLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### To be brigadier general

COL. CHARLES M. GURGANUS, 0000

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

JOHN D. ADAMS, 0000  
JOHN S. CRAMER, 0000  
DIANE HUEY, 0000

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

#### To be colonel

JOHN D. ADAMS, 0000  
JOHN S. CRAMER, 0000  
DIANE HUEY, 0000

#### To be lieutenant colonel

EVERETT L. CHAPMAN, 0000  
THOMAS S. LILLY, 0000  
ANTHONY PRESICCI, 0000

#### To be major

MAYRA ARROYOORTIZ, 0000  
DEBORAH ASHCRAFTOLMSCHIED, 0000  
STEPHEN C. AUSBAND, 0000  
MARK R. BAIN, 0000  
JOHN A. BENSON, 0000  
GUSTAVO I. CADAVID, 0000  
CLAY J. COLON, 0000  
PHILLIP J. COVER, 0000  
PETER B. DODSON, 0000  
DAVID A. DUPONT, 0000  
BRIAN J. EADES, 0000  
DOUGLAS J. FEELEY, 0000  
ALLYSON S. HOWE, 0000  
JON R. JACOBSON, 0000  
SCOTT W. JOSLIN, 0000  
MICHAEL D. LANDES, 0000  
FAITH E. MADDEN, 0000  
DIOSDADO S. PANGILINAN, 0000  
DOUGLAS M. SPAETH, 0000  
LANCE C. SWEENEY, 0000  
NORMAN K. THAXTER, 0000  
HEATHER WILSON, 0000  
CHARLES J. WOLF, 0000  
KARL WOODMANSEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

MARK D. CAMPBELL, 0000  
JOHN P. DITTER, 0000  
NORMAN D. ELLIS, 0000  
MICHAEL E. GILBERT, 0000  
BRUCE R. GLOVER, 0000  
KARIS K. GRAHAM, 0000  
MICHAEL D. GRUBBS, 0000  
PHILLIP C. GUIN, 0000  
DOUGLAS C. HALL, 0000  
MARK P. ROWAN, 0000  
STEVEN E. WEST, 0000  
MICHAEL R. WILLIAMS, 0000  
GARY J. ZICCARDI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

MICHAEL J. APOL, 0000  
MELISSA L. BARSOOTTI, 0000  
JEFFERSON B. BROWN, 0000  
BRUCE D. COX, 0000  
JOHN D. DOUGLAS, 0000  
GREGORY O. FRIEDLAND, 0000  
JOHN R. HEATON, 0000  
MICHAEL R. HOVERSTEN, 0000  
ALAN S. LIU, 0000  
LARRY O.Y.C. LOHMAN, 0000  
EDWARD R. LUCAS, 0000  
LORI L. MAY, 0000  
ERIC F. MEJIA, 0000  
JEANNE M. MEYER, 0000  
BRADLEY W. MITCHELL, 0000  
ADAM OLER, 0000  
MARK H. PATTERSON, 0000  
TOM E. POSCH, 0000  
ROBERT J. PRESTON II, 0000  
KAREN M. RHONE, 0000  
LINETTE I. ROMER, 0000  
BRIAN M. ROOU, 0000  
JEFFREY D. SATTLER, 0000  
CHRISTOPHER M. SUPERNOR, 0000  
DUANE M. THOMPSON, 0000  
MICHAEL D. TOMATZ, 0000  
BRIAN T. VARN, 0000  
JENNIFER A. WHITTIER, 0000  
DAWN M. K. ZOLDI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

#### To be lieutenant colonel

RAYMOND A. BAILEY, 0000  
WILLIAM J. BARNES, 0000  
KEITH N. BISHOP, 0000  
KEVIN L. BOERMA, 0000  
THERESE A. BOHUSCH, 0000  
DAVID L. BRINGHURST, 0000

PHILLIP P. BROWN, 0000  
DAVID E. BYER, 0000  
GORDON H. CAMPBELL, JR., 0000  
VICTOR CARAVELLO, 0000  
MARI L. CHAMBERLAIN, 0000  
JOSEPH W. CODY, 0000  
MARIE P. COLASANTI, 0000  
CAROL M. COPELAND, 0000  
STEVEN G. CUSACK, 0000  
GREGORY A. FRICK, 0000  
MITCHELL A. GARNICK, 0000  
RANDY A. GREEN, 0000  
CYNTHIA D. HAMPTON, 0000  
MAUREEN O. HARBACK, 0000  
LAURIE A. HOBBS, 0000  
KHALID M. IRSHAD, 0000  
MARK F. LAMB, 0000  
JAMES W. LASSWELL, 0000  
KEVIN M. LIER, 0000  
KEVIN E. MARTILLA, 0000  
KEVIN J. MCCAL, 0000  
ANDREW B. MEADOWS, 0000  
KRISTAL L. MURPHY, 0000  
IVETTE Z. OBRIEN, 0000  
DAVID J. PETERSON, 0000  
ARSHAD M. QURESHI, 0000  
PETER D. REINHARDT, 0000  
DANELLE K. RODDY, 0000  
ARMANDO L. ROSALES, 0000  
TERI JO RUSSELL, 0000  
LISA SAYEGH, 0000  
RICHARD SCHOSKE, 0000  
BARBARA E. SEVERSONOLSON, 0000  
RENEE L. SHIBUKAWAKENT, 0000  
CHRISTOPHER R. SMALL, 0000  
RANDOLPH R. SMITH, 0000  
JAMES A. STEPHENSON, 0000  
KIRK D. STOCKER, 0000  
CYNTHIA G. THOMAS, 0000  
ELIZABETH M. WATSON, 0000  
ANDREW D. WOODROW, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

RICHARD E. AARON, 0000  
FARLEY A. ABDEEN, 0000  
ANTHONY D. ABERNATHY, 0000  
BRYAN E. ADAMS, 0000  
JUSTIN F. ADAMS, 0000  
RAY C. ADAMS, JR., 0000  
GEORGE E. AKINS, 0000  
FRANK D. ALBERGA, 0000  
JEFFREY N. ALDRIDGE, 0000  
DANA G. ALLEN, 0000  
DAVID T. ALLEN, 0000  
JAMES B. ALLEN, 0000  
CRAIG ALLTON, 0000  
STEVEN E. ALPERS, 0000  
JEFFREY A. ANDERSON, 0000  
JOHN H. ANDERSON III, 0000  
LYNN P. ANDERSON, 0000  
DAVID O. ANDINOQUINO, 0000  
DAVID J. ANGRESS, 0000  
STEVEN E. ANKESTAD, 0000  
WILLIAM B. APODACA, 0000  
MITCHELL S. APPELEY, 0000  
MICHAEL C. ARAUJO, 0000  
JASON R. ARMAGOST, 0000  
CHRISTOPHER R. ARNOLD, 0000  
DAVID E. ASHTON, 0000  
WILLIAM H. ATOR, 0000  
MARK R. AUGUST, 0000  
THOMAS A. AUGUSTINE III, 0000  
DAVID G. AUSTIN, 0000  
DAVID G. AVILA, 0000  
DONALD G. AXLUND, 0000  
ERIN K. AYLES, 0000  
JAMES R. BACHINSKY, 0000  
RICHARD L. BAIRETT, JR., 0000  
CHAD A. BAKER, 0000  
CRAIG R. BAKER, 0000  
PATRICK S. BALLARD, 0000  
MICHAEL S. BALLEK, 0000  
CHRISTOPHER B. BARKER, 0000  
GARY A. BARLET, 0000  
BARRY R. BARNES, 0000  
JOHNNY L. BARNES II, 0000  
WALDEMAR F. BARNES, 0000  
JOHN P. BARRETTE, 0000  
STEPHEN J. BARRY, 0000  
BRIAN A. BARTHEL, 0000  
MARVIN T. BAUGH, 0000  
CARRIE J. BAUSANO, 0000  
JAMES D. BAXTER, 0000  
JAMES R. BEAM, JR., 0000  
STEVEN M. BEASLEY, 0000  
FRANK J. BEAUPRE, 0000  
RICHARD L. BEAVERS, 0000  
MICHAEL W. BECK, 0000  
CHARLES S. BEGEMAN, 0000  
BRIAN E. BELL, 0000  
EDWARD A. BELLEM, 0000  
HARRY P. BENHAM, 0000  
JAMES C. BENNETT, 0000  
AARON K. BENSON, 0000  
ERIC T. BERGGREN, 0000  
TIMOTHY P. BERGMANN, 0000  
JILL M. BERGOVOY, 0000  
ANDREW T. BERNARD, 0000  
DOMINIC J. BERNARDI III, 0000  
BRIAN C. BERNETT, 0000  
VALERIE L. BERTHA, 0000  
WILLIAM G. BESSEMER, 0000  
JON C. BEVERLY, 0000

SARA A. BEYER, 0000  
MICHAEL J. BIBEAU, 0000  
MICHELLE P. BICKLEY, 0000  
ANN N. BIGGERS, 0000  
STEVEN W. BIGGS, 0000  
JOHN R. BINDER III, 0000  
ANN M. BIRCHARD, 0000  
ERIC J. BJURSTROM, 0000  
SHEILA G. BLACK, 0000  
MALCOLM E. BLAIR, 0000  
KEVIN E. BLANCHARD, 0000  
WAYNE C. BLANCHETTE, 0000  
COBY D. BLAND, 0000  
SEVERIN J. BLENKUSH II, 0000  
JOSEPH M. BLEVINS, 0000  
MICHAEL A. BLOCK, 0000  
ROBERT M. BLOCK, 0000  
ROD B. BLOKER, 0000  
DENNIS R. BLYTHE, 0000  
MICHAEL E. BODTKE, 0000  
FREDERICK D. BOETTCHER, 0000  
RICHARD K. BOHN, JR., 0000  
RICHARD T. BOLANOWSKI, 0000  
JEFFREY L. BOLENG, 0000  
MATTHEW D. BONAVITA, 0000  
KELVIN T. BOND, 0000  
VANESSA L. BOND, 0000  
DEREK D. BONENCLARK, 0000  
SEAN A. BORDENAVE, 0000  
ROBERT W. BORJA, 0000  
JAMES P. BOSTER, 0000  
JAMES E. BOWEN, JR., 0000  
ERIK C. BOWMAN, 0000  
SOLOMON E. BOXX, 0000  
JAY A. BOYD, 0000  
TANDY K. BOZEMAN II, 0000  
BRYAN L. BRADFORD, 0000  
JONATHAN D. BRADLEY, 0000  
MICHAEL W. BRAUCHER, 0000  
NATHAN S. BRAUNER, 0000  
JASON J. BRAWKA, 0000  
LAMBERTO M. BRAZA, 0000  
SHAWN M. BRENNAN, 0000  
TIMOTHY L. BRESTER, 0000  
BARRY L. BREWER, 0000  
JONATHAN B. BRIDGES, 0000  
DONALD J. BRIEN, 0000  
RANDALL E. BRISTOL, 0000  
CASEY L. BRITAIN, 0000  
RYAN L. BRITTON, 0000  
ROBERT W. BROCK, 0000  
CHARLES E. BROCKETT, JR., 0000  
MICHAEL T. BROCKEY, 0000  
GRETCHEN A. BROCKFELD, 0000  
WILLIAM E. BROOKS, 0000  
WANDA Y. BROUSSARD, 0000  
CHRISTOPHER A. BROWN, 0000  
GREG A. BROWN, 0000  
JEFFREY S. BROWN, 0000  
RUSSELL T. BROWN, 0000  
ANDREW H. BRUCE, 0000  
KURT F. BRUESKE, 0000  
MARK A. BRUNWORTH, 0000  
HEATHER Y. BRYANT, 0000  
JOHN R. BUHMEYER, 0000  
TERRY L. BULLARD, 0000  
RICHARD M. BUNGARDEN, 0000  
ANTHONY S. BURCH, 0000  
CHARLES O. BURGESS, 0000  
BRADLEY K. BURHITE, 0000  
LAUREL M. BURKEL, 0000  
SHARON K. BURNEVE, 0000  
MARK A. BURNETTE, 0000  
DEANNA M. BURT, 0000  
GEORGE E. BUSH III, 0000  
CHRISTOPHER R. BUSHMAN, 0000  
CHARLES J. BUTLER, 0000  
PATRICK E. BUTLER, 0000  
RAHN H. BUTLER, 0000  
GREGORY BUTTRAM, 0000  
ROBERT T. BUTZ, 0000  
KEVIN A. CABANAS, 0000  
MICHAEL F. CADY, 0000  
PHILIP A. CALLAHAN, 0000  
TODD W. CALLAHAN, 0000  
MICHAEL J. CALLENDER, 0000  
REX T. CALVERT, 0000  
SHAWN D. CAMERON, 0000  
KEVIN T. CAMILLI, 0000  
BRENDA L. CAMPBELL, 0000  
WILLIAM C. CANNON, JR., 0000  
EUGENE L. CAPONI, 0000  
THOMAS R. CAREY, 0000  
BARRY T. CARGLE, 0000  
KEVIN P. CARLIN, 0000  
DAVID A. CARLSON, 0000  
TODD M. CARLSON, 0000  
KAREN D. CARMICHAEL, 0000  
EDWIN J. CARO, JR., 0000  
WILLIAM S. CARPENTER, 0000  
PETER L. CARREBA, 0000  
EUGENE K. CARTER, 0000  
JOHN K. CARTWRIGHT, 0000  
WILLIAM D. CASEBEER, 0000  
MICHAEL S. CATES, 0000  
SHANNON W. CAUDILL, 0000  
TYRELL A. CHAMBLEE, 0000  
LANCE E. CHAMPAGNE, 0000  
VALERIE A. CHAMPAGNE, 0000  
JAMES D. CHAPMAN, 0000  
PAUL C. CHARON, 0000  
DARLENE H. CHEATHAM, 0000  
TODD M. CHENEY, 0000  
RHUDE CHERRY II, 0000  
CHRISTOPHER L. CHEW, 0000  
JAMES L. CHITTENDEN, 0000

FIONA A. CHRISTIANSON, 0000  
MICHAEL S. CHRISTIE, 0000  
TONY C. M. CHU, 0000  
JOHN D. CINNAMON, 0000  
CHRISTOPHER S. CLARK, 0000  
DANIEL P. CLARK, 0000  
JAMES D. CLARK, 0000  
RICHARD A. CLARK, 0000  
TEAL CLARK, 0000  
WILLIAM C. CLARK, 0000  
HARRY M. CLAWSON, 0000  
DONALD T. CLOCKSIN, 0000  
RICHARD L. CLOSSER, JR., 0000  
JAMES R. CLUFF, 0000  
DARREN L. COCHRAN, 0000  
TIMOTHY P. K. COGER, 0000  
THEODORE A. COINER, 0000  
CHRISTOPHER R. COLBERT, 0000  
JAMES R. COLE, 0000  
STAN G. COLE, 0000  
CHRISTOPHER B. COLLETT, 0000  
JEFFREY A. COLLINS, 0000  
REYES COLON, 0000  
TRAVIS E. CONDON, 0000  
ANNE K. CONELY, 0000  
MARK A. CONNELL, 0000  
KEVIN P. CONNER, 0000  
DAVID M. CONRAD, 0000  
LAURIE A. CONRAD, 0000  
BRIAN L. COOK, 0000  
JEFFREY T. COOK, 0000  
PAUL D. COOK, 0000  
SCOTT A. COOK, 0000  
TEDDY J. COOK, 0000  
WILLIAM L. COOK, 0000  
JOHN J. COOPER, 0000  
SHANNON M. COOPER, 0000  
WAYNE A. COOPER, 0000  
DOUGLAS S. COPPINGER, 0000  
J. H. CORMIER III, 0000  
GARY LYNN CORNIN, JR., 0000  
MICHAEL L. COTE, 0000  
PAUL COTELLESSO, 0000  
ANTHONY W. COTTO, 0000  
RODNEY P. COUSINS, 0000  
JOSEPH L. COX, 0000  
MONTE C. COX, 0000  
PAUL R. CRANDALL, 0000  
CHRISTOPHER N. CRANE, 0000  
KATHY A. CRAVER, 0000  
BRADLEY J. CROFTS, 0000  
JENNIFER B. CROSSMAN, 0000  
KEVIN P. CULLEN, 0000  
JOHN E. CULTON III, 0000  
TIMOTHY W. CUNNINGHAM, 0000  
DENNIS D. CURRAN, 0000  
RANDAL A. CURRIE, 0000  
BRETT R. CUSKER, 0000  
MARK T. DALEY, 0000  
ROBERT T. DANIEL, 0000  
CHRISTOPHER T. DANIELS, 0000  
SCOTT P. DANTONI, 0000  
BRUCE C. DARVEAU, 0000  
DONALD A. DAUGHERTY, 0000  
KEVIN J. DAUGHERTY, 0000  
ROBIN L. DAUGHERTY, 0000  
ISAAC DAVIDSON, 0000  
MATTHEW W. DAVIDSON, 0000  
CHRISTOPHER D. DAVIS, 0000  
TROY A. DAVIS, 0000  
THOMAS J. DAVISON, 0000  
ANTHONY J. DAVIT, 0000  
GARY R. DAWSON, 0000  
MICHAEL L. DAWSON, 0000  
DARIN D. DEAN, 0000  
CHRISTOPHER E. DECKER, 0000  
DOUGLAS C. DELAMATER, 0000  
ERIC P. DELANGE, 0000  
DOUGLAS D. DEMAIO, 0000  
DARREN J. DEMERS, 0000  
RICHARD W. DEMOUY, 0000  
KIEHAN T. DENEHAN, 0000  
JASON M. DENNEY, 0000  
ERIC J. DENNY, 0000  
JAMES B. DENSON, 0000  
MARNE R. DERANGER, 0000  
JAMES B. DERMER, 0000  
EVAN C. DERTIEN, 0000  
MARTHA J. DESPAIN, 0000  
JOHN C. DEVANEY, 0000  
JAMES E. DEVANEY, JR., 0000  
JOHN M. DEVILLIER, 0000  
JEFFREY W. DEVORE, 0000  
MATTHEW S. DEYO, 0000  
JEFFREY D. DICICCO, 0000  
STEVEN P. DICKEY, 0000  
OEL S. DICKINSON, 0000  
TIMOTHY J. DICKINSON, 0000  
JEFFREY A. DICKSON, 0000  
CHRISTOPHER J. DIDIER, 0000  
TODD L. DIEL, 0000  
JOHN A. DIETRICK, 0000  
SCOTT H. DIEZMAN, 0000  
DEREK V. DILL, 0000  
DAVID L. DIRKSEN, 0000  
TRAVIS D. DIXON, 0000  
ANDREW W. DOBRY, 0000  
LEON W. DOCKERTY, JR., 0000  
CHRISTIAN H. DOLLWET, 0000  
PETER DOMINICIS, 0000  
PATRICK H. DONLEY, 0000  
DWIGHT K. DORAU, 0000  
ERIC S. DORMINEY, 0000  
ROBERT L. DOTSON, 0000  
RONNIE G. DOUD, 0000  
JODY B. DOW, 0000  
JOHN A. DOWNEY II, 0000

MICHAEL L. DOWNS, 0000  
 MICHAEL D. DOYLE, 0000  
 DOUGLAS M. DRAKE, 0000  
 ROBERT A. DREYFUS, 0000  
 DAVID S. DRICHTA, 0000  
 DARIN C. DRIGGERS, 0000  
 JAMES P. E. DUBAN, 0000  
 DAVID D. DUBAY, 0000  
 BRIAN A. DUDAS, 0000  
 SHANE C. DUGUAY, 0000  
 JONATHAN M. DUNCAN, 0000  
 MICHAEL J. DUNN, 0000  
 TROY E. DUNN, 0000  
 TIMOTHY E. DUNSTER, 0000  
 LOURDES M. DUVALL, 0000  
 LARRY L. EARLS, JR., 0000  
 JAMES W. EASTMAN, 0000  
 CASEY D. EATON, 0000  
 BARRY J. EDDINS, 0000  
 NEIL P. EISEN, 0000  
 GEORGE H. ELDER, 0000  
 STEFAN V. ELING, 0000  
 SAMUEL E. ELLIOTT, 0000  
 FARRIS M. ELNASSER, 0000  
 DAVID G. ENOCHIAN, 0000  
 MATTHEW P. ESPER, 0000  
 RICHARD A. ESSER, 0000  
 JAMES T. ETHERIDGE, 0000  
 LARRY D. EVERS, 0000  
 TIMOTHY P. FAABORG, 0000  
 JEFFREY D. FAGAN, 0000  
 PETER J. FAGAN, 0000  
 ROY P. FATUR, 0000  
 HILARY K. FEASTER, 0000  
 JOHN W. FEATHER, 0000  
 VICTOR J. FEHRENBACH, 0000  
 KEITH N. FELTER, JR., 0000  
 KATHRYN L. FENWICK, 0000  
 NERISSE E. FERNANDEZ, 0000  
 SUSAN A. FERRERA, 0000  
 DAVID A. FEWSTER, 0000  
 RICHARD E. FIELDS, 0000  
 MICHAEL J. FINCH, 0000  
 WILLIAM C. FINLEY, JR., 0000  
 JOSEPH P. FINOTTI, 0000  
 CHRISTOPHER A. FINTA, 0000  
 ALAN P. FIORELLO, 0000  
 JAMES L. FISHER, 0000  
 MARVIN L. FISHER, 0000  
 JOHN P. FISKE, JR., 0000  
 JONATHAN W. FITTON, 0000  
 EDMUND W. FITZGERALD, 0000  
 MARK P. FITZGERALD, 0000  
 JAMES J. FLATTERY, 0000  
 MELISSA L. FLATTERY, 0000  
 KIMBERLY A. FLEMING, 0000  
 TREVOR W. FLINT, 0000  
 DAVID A. FLIPPO, 0000  
 DANA T. A. FLOOD, 0000  
 PETER J. FLORES, 0000  
 ALLAN J. FLUHARTY, 0000  
 LAURA M. G. FOGLESONG, 0000  
 JAMES D. FOREMAN, 0000  
 SUSAN H. FOY, 0000  
 DEREK C. FRANCE, 0000  
 CHRISTOPHER J. FRANCIS, 0000  
 PHILIP H. FRAZETTA, 0000  
 JOHN D. FREEDMAN, 0000  
 DONALD FREW, 0000  
 MELANIE R. FRIEDMAN, 0000  
 GEORGE A. FRITTS, JR., 0000  
 ERIC H. FROEHLICH, 0000  
 TIMOTHY G. FROMM, 0000  
 PETER J. FRY, 0000  
 MICHAEL B. FRYMIRE, 0000  
 JON A. FULLERTON, 0000  
 CYNTHIA GAARE, 0000  
 DAVID M. GARDECKE, 0000  
 DONALD B. GAGNON, 0000  
 THOMAS B. GALE, 0000  
 DANIEL B. GAMMELL, 0000  
 KEVIN E. GANGADEEN, 0000  
 CARLOS R. GARCIA, 0000  
 LUIS M. GARCIA, 0000  
 PETER A. GARRETSON, 0000  
 BRENDAN L. GARRITY, 0000  
 MICHAEL R. GARTRELL, 0000  
 DAVID B. GASKILL, 0000  
 JEFFREY S. GAST, 0000  
 ROBERT R. GATES, 0000  
 BRIAN W. GAUDE, 0000  
 LYNNETTE J. GAWELL, 0000  
 DEREK L. GEESKIE, 0000  
 GERALD R. GENDRON, JR., 0000  
 KATHERINE J. GENTIL, 0000  
 DANIEL J. GERDES, 0000  
 GREGORY P. GILBREATH, 0000  
 JOHN R. GILES III, 0000  
 JOSEPH M. GILLEY, 0000  
 MICHAEL E. GIMBONE, 0000  
 DAVID C. GINDHART, 0000  
 TODD L. GLANZER, 0000  
 REGINALD O. GODBOLT, 0000  
 ERIK W. GOEPNER, 0000  
 GEORGE G. GONZALES, 0000  
 GUILLERMO R. GONZALEZ, 0000  
 MICHAEL L. GOODIN, 0000  
 KJALL GOPAUL, 0000  
 TIMOTHY A. GOSNELL, 0000  
 CHRISTOPHER S. GOUGH, 0000  
 MARY E. GOULD, 0000  
 CHRISTOPHER G. GOULDINE, 0000  
 JANICE G. GOURLEY, 0000  
 DAVID E. GRAFF, 0000  
 JEFFREY R. GRANGER, 0000  
 ROBERT J. GRAZULIS, 0000  
 JOHN GRECO III, 0000

GABRIEL V. GREEN, 0000  
 KEITH GREEN, 0000  
 CHRISTOPHER V. GREENE, 0000  
 JAMES L. GREER, 0000  
 RICHARD W. GRIFFIN, 0000  
 GEORGE H. GRIFFITHS, JR., 0000  
 STEPHEN GROLL, 0000  
 MARK E. GROTELUESCHEN, 0000  
 ALEXUS G. GRYNKEWICH, 0000  
 SCOTT M. GUILBEAULT, 0000  
 LARRY K. GURGAINOUS, 0000  
 JASON W. GUY, 0000  
 ANDY GWINNUP, 0000  
 DAVID R. GYURE, 0000  
 CLIFFORD M. GYVES, 0000  
 JOHN C. HACKETHORN II, 0000  
 JOEL J. HAGAN, 0000  
 PETER S. HAGIS, 0000  
 DARREN B. HALFORD, 0000  
 CHRISTOPHER F. HALL, 0000  
 DWAYNE A. HALL, 0000  
 JUSTIN W. HALL, 0000  
 HENRY G. HAMBY IV, 0000  
 RODNEY S. HAMEL, 0000  
 PAULA A. HAMILTON, 0000  
 PHILLIP T. HAMILTON, 0000  
 SHANE P. HAMILTON, 0000  
 TRISTAN L. HAMLETT, 0000  
 JEFF A. HAMM III, 0000  
 JOEL W. HAMPTON, 0000  
 BRIAN J. HAND, 0000  
 JAMES G. HANLEY, 0000  
 JOEL A. HANSEN, 0000  
 HAROLD E. HARDINGE, 0000  
 STEVEN H. HARE, 0000  
 JAMES G. HARMON, 0000  
 MATTHEW K. HARMON, 0000  
 MONTE S. HARNER, 0000  
 KEITH C. HARRINGTON, 0000  
 DAVID A. HARRIS, JR., 0000  
 DENISE L. HARRIS, 0000  
 DEXTER F. HARRISON, 0000  
 PATRICK E. HARRISON, 0000  
 BRADLEY E. HARROFF, 0000  
 TRAVIS C. HARSHA, 0000  
 DEAN H. HARTMAN, 0000  
 ROBERT D. HASELDEN, 0000  
 ROBERT T. HASELER, 0000  
 MICHAEL L. HASTRITTER, 0000  
 BERNARD J. HATCH III, 0000  
 ELISSA M. HATTEMER, 0000  
 ROBERT L. HAUG, 0000  
 DENNIS A. HAUGHT, 0000  
 SCOTT A. HAUSMAN, 0000  
 CHARLES K. HAVASY, 0000  
 BRADLEY H. HAWK, 0000  
 STEPHANIE M. HAWK, 0000  
 MICHAEL R. HAWKS, 0000  
 MICHELLE L. HAYWORTH, 0000  
 JEFFREY W. HEAD, 0000  
 KEVIN E. HEAD, 0000  
 JAMES S. HEADLEY, 0000  
 WILLIAM C. HEASTER, 0000  
 JEFFREY L. HEIDERSCHIEDT, 0000  
 CHRISTOPHER J. HEMMER, 0000  
 JOHN W. HENDERSON, 0000  
 JOHN B. HENNESSEY, JR., 0000  
 DAVID E. HERBISON, 0000  
 ANTHONY R. HERNANDEZ, 0000  
 DRYSDALE H. HERNANDEZ, 0000  
 STEVEN HERNANDEZ, 0000  
 ROBERT P. HERZ, 0000  
 LISA W. HESS, 0000  
 KEVIN R. HEYBURN, 0000  
 VINCENT S. HIBDON, 0000  
 STEPHEN J. HICKEY, 0000  
 JILL R. HIGGINS, 0000  
 THOMAS E. HIGHSMITH III, 0000  
 BRIAN A. HILL, 0000  
 DON E. HILL, 0000  
 THAD B. HILL, 0000  
 GLENN E. HILLIS II, 0000  
 RIGEL K. HINCKLEY, 0000  
 GERRY P. HINDEBERGER, 0000  
 MICHAEL R. HINSCH, 0000  
 ANDREW C. HIRD, 0000  
 ANDREA L. HLOSEK, 0000  
 MARK J. HOERN, 0000  
 MARK G. HOELSCHER, 0000  
 MICHAEL R. HOGUE, 0000  
 CHRISTOPHER T. HOLINGER, 0000  
 PATRICK D. HOLLERAN, 0000  
 STEVE M. HOLLIS, 0000  
 DONALD W. HOLLOWAY, 0000  
 CHRISTOPHER D. HOLMES, 0000  
 MICHAEL J. HOMOLA, 0000  
 DAVID A. HOOPES, 0000  
 MATTHEW S. HOOSE, 0000  
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 BLAIR A. HORTON, 0000  
 JAMES R. HOSKINS, 0000  
 MONTY A. HOSTETTLER, 0000  
 MICHAEL S. HOUGH, 0000  
 THOMAS J. HOULE, 0000  
 FRANKLIN C. HOWARD, 0000  
 HAMILTON L. HOWARD, 0000  
 KEVIN A. HOWARD, 0000  
 TIMOTHY J. HOWARD, 0000  
 MICHAEL D. HOWE, 0000  
 ROBERT L. HOWELL, JR., 0000  
 MICHAEL J. HOWE, 0000  
 LARRY B. HOWINGTON, 0000  
 DAROLD W. HUBBARD, 0000  
 SCOTT A. HUBER, 0000  
 LARS R. HUBERT, 0000  
 PATRICK W. HUESTED, 0000  
 MATTHEW L. HUGHBANKS, 0000

GINA C. HUMBLE, 0000  
 BRIAN HUMPHREY, 0000  
 DAVID P. HUNTER, 0000  
 ROBERT W. HURST, 0000  
 BRYAN W. ISLEY, 0000  
 JEAN K. IWAI, 0000  
 MARK A. JABLOW, 0000  
 ERIC A. JACKSON, 0000  
 MICHAEL L. A. JACKSON, 0000  
 SCOTT K. JACKSON, 0000  
 SEAN C. JACKSON, 0000  
 WALTER T. JACKSON III, 0000  
 SCOTT D. JACOBS, 0000  
 THOMAS E. JAHN, 0000  
 HECTOR E. JAMILI, 0000  
 THERESA A. JAMISON, 0000  
 BENJAMIN F. V. JANES, 0000  
 JURIS L. JANSONS, 0000  
 DANIEL E. JEFFERIES, 0000  
 JAMES W. JEFFERSON, 0000  
 DAVID S. JEFFERY, 0000  
 JEFFREY R. JENSSEN, 0000  
 MARK S. JERNIGAN, 0000  
 ANDREW C. JOHNS, 0000  
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 SHANNON L. C. JOHNSON, 0000  
 CARL M. JONES, 0000  
 DELBERT E. JONES II, 0000  
 JOSHUA H. JONES, 0000  
 JEFFREY S. JORDAN, 0000  
 CAROL H. JOYNER, 0000  
 JEFFREY S. JUHNKE, 0000  
 RICHARD A. KAHNE, 0000  
 MICHAEL W. KAMORSKI, 0000  
 ANDREW C. KAPUSCAK, 0000  
 THOMAS S. KASYCH II, 0000  
 KURT W. KAYSER, 0000  
 TODD P. KEE, 0000  
 DAVID S. KEESEY, 0000  
 KURT J. KELEMEN, 0000  
 MARK J. KELLER, 0000  
 RYAN K. KENNE, 0000  
 KEVIN G. KENNELLY, 0000  
 PATRICK F. KENNERLY, 0000  
 PETER G. KENT, 0000  
 ANDREW H. KERKMAN, 0000  
 JAMES A. KERR, 0000  
 MARK R. KERR, 0000  
 MICHAEL J. KESSLER, 0000  
 JASON E. KIEFERT, 0000  
 LANCE A. KILDON, 0000  
 BRET A. KILLAN, 0000  
 DENNIS C. KING, JR., 0000  
 JEFFREY R. D. KING, 0000  
 RONNIE G. KING, 0000  
 TIMOTHY R. KIRK, 0000  
 DAVID A. KIRKENDALL, 0000  
 WALTER C. KIRSCHMAN III, 0000  
 BRIAN A. KISL, 0000  
 ROGER W. KLAFFKA, 0000  
 SHANNON R. KLUG, 0000  
 ANDRA VAN POPPEL KNIEP, 0000  
 KENNETH M. KNISKERN, 0000  
 KELLY S. KOPESELL, 0000  
 CHRISTOPHER N. KONECNY, 0000  
 LEONARD J. KOSINSKI, 0000  
 JOHN F. KOSS, 0000  
 ANDREW S. KOVICH III, 0000  
 ROBERT J. KRAUS, 0000  
 STEVEN M. KREHBIEL, 0000  
 ANDREW R. KREIS, 0000  
 MICHAEL K. KRUBGER, 0000  
 MARK A. KRUSE, 0000  
 THOMAS K. KUBLE, 0000  
 DAVID J. KUMASHIRO, 0000  
 STUART H. KURKOWSKI, 0000  
 TODD W. KUSTRA, 0000  
 MICHAEL T. LABILLE, 0000  
 KEVIN W. LACKEY, 0000  
 MARK R. LAJOIE, 0000  
 JAMES W. LAMKIN, JR., 0000  
 JOHN D. LAMONTAGNE, 0000  
 DALE L. LANDIS II, 0000  
 KENT A. LANDRETH, 0000  
 STEPHEN K. LANDRY, 0000  
 REID M. LANGDON, 0000  
 JUSTIN C. LANGLOIS, 0000  
 BRIAN D. LANGRIDGE, 0000  
 MAX E. LANTZ II, 0000  
 ANTHONY LANUZO, 0000  
 JOHN R. LAPORE III, 0000  
 SEAN P. LARKIN, 0000  
 RHONDA L. LARSON, 0000  
 LEAH G. LAUDERBACK, 0000  
 JOSEPH G. LAVILLE, JR., 0000  
 DAVID J. LAWRENCE, 0000  
 DAVID W. LAWRENCE, 0000  
 MICHAEL C. LAWRENCE, 0000  
 PHILLIP A. LAYTON, 0000  
 RICARDO J. LEE, 0000  
 TIMOTHY G. LEE, 0000  
 GLEN H. LEHMAN, 0000  
 JOSEPH P. LEHNERD, 0000  
 JAMES A. LEINART, 0000  
 CHRISTOPHER D. LEIST, 0000  
 MARK J. LEMERY, 0000  
 RICHARD R. LEMIEUX, 0000  
 LAURA L. LENDERMAN, 0000  
 RENE M. LEON, 0000  
 SCOTT E. LEONARD, 0000  
 ANDREW J. LESHKAR, 0000  
 ROBERT J. LEVIN, JR., 0000



TODD J. LEVINE, 0000  
TIMOTHY W. LEWALLEN, 0000  
ANDREW S. LEWIS, 0000  
CHERYL L. LEWIS, 0000  
DONALD R. LEWIS, 0000  
MARION J. LEWIS, 0000  
RODNEY D. LEWIS, 0000  
TED A. LEWIS, 0000  
WILLIAM D. LEWIS, 0000  
ROBERT E. LICCIARDI, 0000  
JOSEPH C. LINDEN II, 0000  
RICHARD T. LINDLAN, 0000  
BRIAN W. LINDSEY, 0000  
MARK J. LIPIN, 0000  
JONATHAN V. LITTLE, 0000  
MARK A. LIVELSBERGER, 0000  
ERIC T. LOHMANN, 0000  
JOSEPH D. LOONEY, 0000  
THOMAS E. LOPER, 0000  
MARK C. LOZIER, 0000  
RONALD M. LUEB, 0000  
GARY E. LUND, 0000  
GINA M. LUNDY, 0000  
CHAD W. LUSHER, 0000  
JOHN K. LUSSIER, 0000  
ROBERT K. LYMAN, 0000  
DAVID B. LYONS, 0000  
MARK J. MACDONALD, 0000  
SCOTT A. MACKENZIE, 0000  
CHARLES E. MACLAUGHLIN, 0000  
STEPHEN S. MACLEOD, 0000  
EDWARD J. MADSEN, 0000  
MICHAEL D. MADSEN, 0000  
SCOTT G. MAGNAN, 0000  
GEOFFREY A. MAKI, 0000  
CHARLES E. MANGOLD, 0000  
WILLIAM P. MANN, 0000  
EDWARD C. MARAIST, 0000  
STEPHEN D. MARE, 0000  
MAX M. MAROSKO III, 0000  
ERIC E. MARSHALL, 0000  
CURTIS E. MARTIN, 0000  
JOHN C. MARTIN, 0000  
JOHN F. MARTIN, 0000  
KELLY M. MARTIN, 0000  
MICHAEL E. MARTIN, 0000  
MICHAEL J. MARTINDALE, 0000  
GILBERTO J. MARTINEZ, JR., 0000  
JOHNNIE MARTINEZ, 0000  
RICARDO MARTINEZ, 0000  
DANIEL K. MARUYAMA, 0000  
CLAY E. MASON, 0000  
KENDRA S. MATHEWS, 0000  
WILLIAM D. MATHEWS, 0000  
GREGG T. MATSUMOTO, 0000  
CHRISTOPHER J. MAYERLE, 0000  
TIMOTHY S. MCCAFFERY, 0000  
AMY J. MCCAIN, 0000  
AMY M. MCCALL, 0000  
BRIAN P. MCCARTHY, 0000  
CHRISTOPHER MCCARTHY, 0000  
KAIPO S. MCCARTNEY, 0000  
KEITH A. MCCARTNEY, 0000  
ROGER B. MCCLARY, 0000  
DOUGLAS F. MCCOBB, JR., 0000  
KRISTIN H. MCCOY, 0000  
GERALD H. MCCRAY, 0000  
JAMES D. MCCUNE, 0000  
JOHN C. MCCURDY, 0000  
DORWARD J. MCDONALD, 0000  
REGINALD A. MCDONALD, 0000  
RICHARD D. MCDONALD, 0000  
SEAN R. MCELHANEY, 0000  
ALLISON R. MCELLIGOTT, 0000  
JOSEPH D. MCFALL, 0000  
CHARLES B. MCFARLAND, 0000  
SEAN C. MCFARLAND, 0000  
SEAN P. MCGLYNN, 0000  
TERRY M. MCGOVERN, 0000  
PETRA MCGREGOR, 0000  
SETH J. MCKEE III, 0000  
DAVID W. MCKEOWN, 0000  
ROBIN L. MCKINLEY, 0000  
MICHAEL S. MCMANUS, 0000  
PATRICK M. MCNUITT, 0000  
MATTHEW W. MCSWAIN, 0000  
MARK A. MEARS, 0000  
ANIBAL M. MEDINA, 0000  
DOUGLAS J. MELLARS, 0000  
JOHN R. MELLOY, 0000  
WALTER K. MELTON, 0000  
PAUL B. MENDY, JR., 0000  
MICHAEL J. MERRITT, 0000  
ALEXANDER R. MERZ, 0000  
MARK L. MESENBRINK, 0000  
TIMOTHY M. MESSERVE, 0000  
MICHAEL G. MESSER, 0000  
ALEXIS MEZYNSKI, 0000  
ANTHONY L. MILITELLO, 0000  
ALEXANDER C. MILLER, 0000  
BRIAN J. MILLER, 0000  
DAVID N. MILLER, JR., 0000  
TODD J. MILLER, 0000  
TONY L. MILLICAN, 0000  
MICHAEL C. MILLWARD, 0000  
CARL C. MISNER, 0000  
ANTHONY M. MITCHELL, 0000  
ROBERT M. MOCIO, 0000  
THOMAS W. MOHR, 0000  
JAMES R. MOLINARI, 0000  
DYLAN M. MONAHAN, 0000  
EDUARDO D. MONAREZ, 0000  
MICHAEL B. MONGOLD, 0000  
ARTHUR MOORE III, 0000  
SHAWN D. MOORE, 0000  
THOMAS C. MOREA, 0000  
CHRISTOPHER S. MORGAN, 0000

JAMES M. MORGAN, 0000  
SAM P. MORGAN III, 0000  
CRAIG F. MORRIS, 0000  
ROBERT D. MORRIS, 0000  
TARA L. MORRISON, 0000  
DAVID R. MOTT, 0000  
DONALD G. MOWLES, JR., 0000  
THOMAS C. MUHLBAUER, 0000  
JOHN W. MUIRHEAD, 0000  
JOSEPH L. MULL, 0000  
DAVID L. MULLIGAN, 0000  
TRACEY L. MURCHISON, 0000  
STEVEN A. MYRS, 0000  
MURRAY N. NANCE, JR., 0000  
JERALD H. NARUM, 0000  
DANIEL T. NAUGHTON, 0000  
RICHARD L. NESMITH, 0000  
THOMAS S. NICHOLSON, 0000  
BRANT D. NICKELL, 0000  
BRICE T. NISKA, 0000  
WILLIAM C. NOLAN III, 0000  
MICHAEL J. NORKUS, 0000  
LARRY W. NORMAN, JR., 0000  
DALE W. NORRIS, 0000  
KENNETH W. NORRIS, 0000  
ERIC D. NORTH, 0000  
JOHN C. NOTTER, 0000  
ROBERT G. NOVOTNY, 0000  
WARREN H. NUIBE, 0000  
DEREK M. OAKS, 0000  
ELENA M. OBERG, 0000  
DAVID A. OBERMILLER, 0000  
JAMES J. OCONNELL, 0000  
JOHN J. OCONNOR, 0000  
SHAWN H. ODAY, 0000  
DAVID M. ODELL, 0000  
JAMES M. O'DONNELL, 0000  
JOSEPH L. OGEA, SR., 0000  
DONNA L. OHARREN, 0000  
JASON M. OHTA, 0000  
ERIC P. OLIVER, 0000  
GINA M. OLIVER, 0000  
CAROLINE C. OMDAL, 0000  
KENNETH G. ONEIL, 0000  
HOWARD L. ORBAN, 0000  
TIMOTHY S. OSHEA, 0000  
JEROME P. OSURMAN, 0000  
TROY S. OWENS, 0000  
JASON C. PABELICO, 0000  
DARYL A. PAGE, 0000  
RICHARD P. PAGLIUCCO, 0000  
GLENN E. PALMER, 0000  
JAMES E. PARCO, 0000  
CHRISTOPHER D. PARENT, 0000  
JO BETH PARKER, 0000  
JOHN L. PARKER IV, 0000  
TIMOTHY A. PARKER, 0000  
DARRYL R. J. PARKINSON, 0000  
JAMES C. PARSONS, 0000  
MICA M. PARTRIDGE, 0000  
KELLY S. PASSMORE, 0000  
DOUGLAS S. PATERSON, 0000  
CAROLYN J. PATRICK, 0000  
KIRK A. PATTERSON, 0000  
SEAN E. PATTERSON, 0000  
DWIGHT F. PAYEK, 0000  
KEVIN M. PAYNE, 0000  
ROBERT PAYNE, JR., 0000  
DAVID A. PAYNTELL, 0000  
TOMMY L. PEASLEY, 0000  
JAMES B. PEAVY, 0000  
PAUL J. PELLEGRINO, 0000  
BRETT D. PENNINGTON, 0000  
DARRELL R. PENNINGTON, 0000  
TIMOTHY L. PENNINGTON, 0000  
FRANCIS X. PENNY III, 0000  
PATRICIA A. PEOPLES, 0000  
WILLIAM E. PERIS, 0000  
MATTHEW W. PERKINS, 0000  
BRIAN S. PETERSON, 0000  
CORY M. PETERSON, 0000  
WILLIAM C. PETERSON, 0000  
JANUSZ C. PETKOWSKI, 0000  
STUART A. PETTIS, 0000  
TIMOTHY J. PETTIT, 0000  
MATTHEW T. PHILLIPS, 0000  
STEPHEN P. PHIPPS, 0000  
PAUL D. PIDGEON, 0000  
LANSING R. PILCH, 0000  
JOHN M. PLATTE, 0000  
CHRISTOPHER A. FLEIMAN, 0000  
ROBERT S. POPE, 0000  
DIRK G. PORATH, 0000  
CHAIG C. PORTERFIELD, 0000  
MATTHEW A. POWELL, 0000  
PAUL D. POWELL, 0000  
JOHN F. PRICE, JR., 0000  
WILLIAM E. PRICE, JR., 0000  
JOSEPH L. PRUE, 0000  
ANDREA M. PSMITHE, 0000  
SHAHNAZ M. PUNJANI, 0000  
KEVIN P. QUAMME, 0000  
DAVID M. QUICK, 0000  
BRIAN G. QUILLEN, 0000  
CLARK J. QUINN, 0000  
RICHARD J. RACHAL, JR., 0000  
TIMOTHY J. RADE, 0000  
DAVID F. RADOMSKI, 0000  
TIMOTHY C. RADSICK, 0000  
SUSHIL S. RAMRAKHA, 0000  
TIMOTHY J. RAPF, 0000  
JOHN P. RAU, 0000  
JONATHAN D. RAYMOND, 0000  
ROBERT L. REDDING, 0000  
LISA C. REDINGER, 0000  
ROGER C. REDWOOD, 0000  
AARON T. REED, 0000

EDWINA C. REID, 0000  
ORVILLE ST. GEORGE REID, 0000  
ROBERT B. REID, 0000  
MICHAEL D. REINER, 0000  
BRIAN A. RENGA, 0000  
WILLIAM J. RESNIK, 0000  
RAYMOND L. REYES, 0000  
ANTHONY RICCI III, 0000  
CHRISTINE M. RICCI, 0000  
STEPHEN T. RICE, 0000  
CLIFFORD E. RICH, 0000  
DEEDEE B. RICHARDS, 0000  
SANDY J. RICHARDSON, 0000  
LARRY G. RIDDICK, JR., 0000  
CLARK H. RISNER, 0000  
JEFFERY D. RITCHIE, 0000  
DARREN J. ROBERTS, 0000  
DON D. ROBERTSON, 0000  
JENNS A. ROBERTSON, 0000  
JAMES T. ROBINSON, 0000  
KABRENA E. RODDA, 0000  
MARC D. RODRIGUEZ, 0000  
PAUL A. ROELLE, 0000  
DOUGLAS M. ROGERS, 0000  
BARRY J. ROMITTI, 0000  
ROB R. ROOD, 0000  
JAMES R. ROSALES, 0000  
JOSE A. ROSARIO RODRIGUEZ, 0000  
GILBERTO ROSARIO, 0000  
GARY E. ROSE, 0000  
JAMES B. ROSE, 0000  
MARK E. ROSE, 0000  
CHRISTOPHER E. ROSENTHAL, 0000  
DAVID E. ROSZMANN, 0000  
JOSEPH R. ROTH, 0000  
MICHAEL T. ROTH, 0000  
DAVID M. ROTHENBERG, 0000  
JONATHAN B. ROWELL, 0000  
PHILIP P. ROWLETTE, 0000  
THOMAS A. RUDY, 0000  
NATHAN A. RUMP, 0000  
DAVID C. RUNGE, 0000  
PHILIP E. RUTER II, 0000  
KENTON A. RUTHARDT, 0000  
GERARD F. RYAN, JR., 0000  
GLENN E. RYBACK, 0000  
MICHAEL M. RYDER, 0000  
JOHN P. RYDLAND, 0000  
JAMES M. SAHM, 0000  
GARY L. SALMANS, 0000  
ORLANDO SANCHEZ, JR., 0000  
RUSLAN SANCHEZ/JZ, 0000  
JOSEPH E. SANDERS, 0000  
WILLIAM A. SANDQUINETTI, 0000  
PETER F. SANTAANA, 0000  
DARYL A. SASSEVILLE, 0000  
ANDREW M. SASSEVILLE, 0000  
MYRLE J. SAUNDERS, 0000  
JOHN J. SCHAEFER III, 0000  
REAGAN E. SCHAUPP, 0000  
RITA M. SCHELL, 0000  
ROBERT M. SCHERER, 0000  
SCOTT J. SCHERER, 0000  
DOUGLAS A. SCHLESS, 0000  
DAVID T. SCHIFFERT, 0000  
DAVID A. SCHILLING, 0000  
CHARLES F. SCHLEGEL, 0000  
TODD J. SCHMIDT, 0000  
SEAN SCHOOLCRAFT, 0000  
ROBERT H. G. SCHREFFLER, 0000  
MARK A. SCHULER, 0000  
PAUL C. SCHULZE, 0000  
BRETT G. SCOTT, 0000  
EARL S. SCOTT, 0000  
KELLY J. SCOTT, 0000  
GREGORY M. SCRIVNER, 0000  
BRETT M. SCRUM, 0000  
CLAYTON A. SEALE, 0000  
THOMAS W. SEEKER, 0000  
RICHARD A. SEIFERT, 0000  
MICHAEL R. SEILER, 0000  
DAVID B. SEITZ, 0000  
DARREN E. SENE, 0000  
PATRICIA A. SERGEY, 0000  
TOBIAS R. SERNEL, 0000  
DOUGLAS K. SERSUN, 0000  
DONALD G. SHANNON, 0000  
MICHAEL E. SHAYERS, 0000  
JAMES A. SHAW, 0000  
JAMES A. SHEEDY, 0000  
DANIEL R. SHEESLEY, 0000  
JAMES D. SHERIDAN, 0000  
KEVIN L. SHERRICK, 0000  
FLOYD H. SHERROD IV, 0000  
JONATHAN P. SHOCKEY, 0000  
PATRICK M. SHORTSLEEVE, 0000  
JEFFREY D. SHULL, 0000  
SCOTT W. SHUTTLEWORTH, 0000  
DAVID L. SIEGRIST, 0000  
ANDREW M. SIMMONS, 0000  
DANIEL L. SIMPSON, 0000  
JACK L. SINE, 0000  
ROBERT M. SKELTON, JR., 0000  
JEFFREY D. SLOAN, 0000  
JOHN R. SLOAN, 0000  
MARK A. SLOAN, 0000  
JEREMY T. SLOANE, 0000  
STAMATIS B. SMELTZ, 0000  
TIMOTHY E. SMETEK, 0000  
AARON L. SMITH, 0000  
ALEXANDER I. SMITH, 0000  
BRIAN N. SMITH, 0000  
BRYAN D. SMITH, 0000  
CHARLES C. SMITH, 0000  
CHRISTOPHER A. SMITH, 0000  
HERBERT D. SMITH III, 0000  
JEFFREY E. SMITH, 0000

MATTHEW T. SMITH, 0000  
 MICHAEL F. SMITH, 0000  
 NATHAN E. SMITH, 0000  
 RUSSELL J. SMITH, 0000  
 SCOTT F. SMITH, 0000  
 SHAWN A. SMITH, 0000  
 CHRISTOPHER G. SMITHTRO, 0000  
 JEFFREY M. SMITLEY, 0000  
 DAVID W. SNODDY, 0000  
 BRENT L. SNYDER, 0000  
 JOHN D. SNYDER, 0000  
 RITA L. SNYDER, 0000  
 JEFFREY C. SOBEL, 0000  
 GERARD P. SOBNOSKY, 0000  
 ALEXIS SOTOMAYOR, 0000  
 LAURA A. SOULE, 0000  
 MICHAEL J. SOWA, 0000  
 RANDALL G. SPARKS, 0000  
 CHRISTOPHER M. SPIGELMIRE, 0000  
 LAWRENCE J. SPINETTA, 0000  
 COREY E. SPOONHOUR, 0000  
 MICHAEL T. SPRADLEY, 0000  
 KIRK B. STABLER, 0000  
 KIRT L. STALLINGS, 0000  
 PAUL D. STANG, 0000  
 JEFFREY T. STARR, 0000  
 MICHAEL B. STARR, 0000  
 ALEX STATHOPOULOS, 0000  
 ANTHONY T. STECKLER, 0000  
 JOSEPH R. STEISS, 0000  
 DAVID L. STENGLEIN, 0000  
 RANDOLPH J. STENZEL, 0000  
 DEAN A. STEPHENS, 0000  
 MICHAEL S. STEVENSON, 0000  
 BILLY M. STEVERSON, 0000  
 MARK T. STEVES, 0000  
 MICHAEL F. STEWART, JR., 0000  
 RENE STOCKWELL, 0000  
 KAREN D. STOFF, 0000  
 BRIAN E. STONE, 0000  
 DAVID E. STOOKEY, 0000  
 SCOTT D. STORMO, 0000  
 PAUL N. STRADLING, 0000  
 WILLIAM E. STRAIN, 0000  
 ROBERT A. STRASSER, 0000  
 MITCHELL D. STRATTON, 0000  
 WAYNE W. STRAW, 0000  
 KATHERINE A. STRUS, 0000  
 ALAN V. STRUTHERS, 0000  
 RONALD F. STUEWE, JR., 0000  
 CLYDE E. STUHR, 0000  
 JAY T. STULL, 0000  
 WILLIAM B. STURGIS, JR., 0000  
 JEFFREY R. STUTZ, 0000  
 CHRISTOPHER B. SULLIVAN, 0000  
 JIMMIE E. SULLIVAN, JR., 0000  
 SCOTT M. SULLIVAN, 0000  
 JEFFREY P. SUNDBERG, 0000  
 STEVEN A. SUNDERLIN, 0000  
 ANGELA W. SUPLISSON, 0000  
 MARK A. SURIANO, 0000  
 PAUL D. SUTHERLAND, 0000  
 ROBERT T. SWANSON, JR., 0000  
 STEVEN M. SWEENEY, 0000  
 ANTHONY J. SWITALSKI, 0000  
 BARTZ R. SYKES, 0000  
 GERALD P. SZYBIST, 0000  
 CHRISTOPHER C. TACHENY, 0000  
 SABRINA J. TALJERON, 0000  
 DANIEL B. TALATI, 0000  
 MICHAEL B. TANNERHILL, 0000  
 JACOB G. TATE, 0000  
 MICKEY D. TATE, 0000  
 CHARLES C. TAYLOR, 0000  
 FRED D. TAYLOR, 0000  
 JOHN S. TAYLOR, JR., 0000  
 MARC R. TESSIER, 0000  
 FREDERICK D. THADEN, 0000  
 SCOTT A. THATCHER, 0000  
 KEVIN C. THERRIEN, 0000  
 THOMAS J. THIBAUT, 0000  
 JOHN D. THOMAS, 0000  
 SCOTT T. THOMPSON, 0000  
 WILLIAM D. THORNTON III, 0000  
 BRYCE E. THORPE, 0000  
 KENNETH J. TIMKO, 0000  
 TIMOTHY M. TOLE, 0000  
 BRIAN A. TOM, 0000  
 TODD M. TOMAN, 0000  
 CHARLES A. TOMKO, 0000  
 LINDA R. TONNIES, 0000  
 DONNA M. TOOLE, 0000  
 ANDREW TORELLI, 0000  
 ALLEN R. TOSO, 0000  
 BRUCE A. TRASK, 0000  
 SANDY R. TRAVNICEK, 0000  
 GEORGE G. TREVILLIAN, 0000  
 JEFFREY R. TROSPER, 0000  
 AARON D. TROXELL, 0000  
 THOMAS TSCHUOER, 0000  
 DAVID T. TSUI, 0000  
 DENNIS P. TUCKER, JR., 0000  
 DOUGLAS A. TUNNEY, 0000  
 DOYLE C. TURNER, 0000  
 RONALD J. ULINE, 0000  
 ROBERT K. UMSTEAD III, 0000  
 CHARLES E. UNDERHILL, 0000  
 ERIC J. UNGER, 0000  
 BENJAMIN R. UNGERMAN, 0000  
 JENNIFER L. UPTMOR, 0000  
 THERRILL B. VALENTINE, 0000  
 TODD M. VALENTINE, 0000  
 MARC R. VANDEVEER, 0000  
 DANIEL A. VASENKO, 0000  
 JOHN E. VAUGHN, 0000  
 JOHN M. VELA, 0000  
 TODD M. VENEMA, 0000

MICHAEL C. VENERI, 0000  
 PAUL A. VILLEM, 0000  
 JOSEPH A. VITALE, 0000  
 MICHAEL A. VOGEL, 0000  
 SCOTT G. VOGEL, 0000  
 CHARLES W. VOGT, JR., 0000  
 RICHARD E. WAGNER, 0000  
 RICHARD K. WAGNER, 0000  
 JOEL C. WAHLSTEN, 0000  
 JULIANA M. WALKER, 0000  
 ROBERT G. WALKER, 0000  
 SHANNON L. WALKER, 0000  
 TERRY A. WALKER, 0000  
 DOUGLAS J. WALL, 0000  
 ANDREW T. WALLEN, 0000  
 MITCHELL D. WALROD, 0000  
 KENNETH D. WARCHOLIK, 0000  
 JEFFREY R. WARD, 0000  
 ANNE M. WARNEMENT, 0000  
 JIMMY W. WARREN, 0000  
 RICHARD V. WARREN III, 0000  
 DONALD F. WASIK, 0000  
 WENDY J. WASIK, 0000  
 DEREK K. WATERMAN, 0000  
 MICHAEL J. WATERS, 0000  
 RONALD K. WATROUS, 0000  
 WILLIAM C. WAYNICK II, 0000  
 STEPHEN L. WEAVER, 0000  
 MATTHEW R. WEBB, 0000  
 STEVEN P. WEBBER, 0000  
 DEANNA L. WEILVIOLETTE, 0000  
 KELLY D. WEISSENFELS, 0000  
 WILLIAM D. WELLS, 0000  
 DAVID J. WENDLING, 0000  
 JAMES J. WENSCHLAG, 0000  
 DEBORAH K. WERLING, 0000  
 ANDREAS K. WESEMANN, 0000  
 CHRISTOPHER J. WEST, 0000  
 DEREK A. WEST, 0000  
 TIMOTHY D. WEST, 0000  
 KEVIN D. WESTLEY, 0000  
 AUTUM C. WHALEN, 0000  
 MARTIN T. WHALEN, 0000  
 SUZANNE L. WHEELER, 0000  
 CHRISTOPHER G. WHELESS, 0000  
 CHARLES R. WHITE, JR., 0000  
 JOE L. WHITE, JR., 0000  
 ROBERT D. WHITE, 0000  
 STEVEN P. WHITNEY, 0000  
 IDA L. WIDMANN, 0000  
 RAYMOND C. WIER, 0000  
 PETER WILEWSKI, 0000  
 JAMES H. WILKERSON, 0000  
 CRAIG L. WILLIAMS, 0000  
 GARRICK T. WILLIAMS, 0000  
 JOSEPH H. WILLIAMS, 0000  
 SCOTT E. WILLIAMS, 0000  
 THOMAS N. WILLIAMS, 0000  
 MARK L. WILLIAMSON, 0000  
 PRESTON L. WILLIAMSON, 0000  
 HELENE A. WILSON, 0000  
 JOHN H. WILSON, 0000  
 KEVIN C. WILSON, 0000  
 RICKY E. WILSON, 0000  
 SCOTT F. WILSON, 0000  
 STEPHANIE P. WILSON, 0000  
 CARL D. WINGO, 0000  
 MICHAEL J. WINTERS, JR., 0000  
 JEFFREY L. WITKOP, 0000  
 JOEL B. WITTE, 0000  
 SONYA L. WOFFORD, 0000  
 EDWARD C. WOLD, 0000  
 WILLIAM S. WOLFE, 0000  
 BRYAN T. WOLFORD, 0000  
 MICHAEL M. WOLLET, 0000  
 ROBERT H. WOLVERTON, 0000  
 TOBIN L. WONG, 0000  
 COREY A. WORMACK, 0000  
 DANIEL S. WRIGHT, 0000  
 GLENN O. WRIGHT, 0000  
 MARK D. YADLOSKY, 0000  
 MARK O. YEISLEY, 0000  
 ALAN A. YEN, 0000  
 LEON C. YONCE, 0000  
 AARON A. C. YOUNG, 0000  
 DOUGLAS A. YOUNG, 0000  
 EDWIN F. YOUNG, 0000  
 PATRICK G. YOUNGSON, 0000  
 ERIC D. ZIMMERMAN, 0000

## IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

ROBIN M. ADAMS, 0000  
 SAVANNAH H. AGE, 0000  
 LLOYNETTA H. ARTIS, 0000  
 WILLIAM P. BARRAS, 0000  
 PATRICK E. BERTZ, 0000  
 KENNETH J. BETHARDS, 0000  
 ANTHONY J. BOHIN, 0000  
 RAE M. BROADNAX, 0000  
 NELSON BURGOSVIERA, 0000  
 THOMAS G. CAHILL, 0000  
 JOHN L. CANADY II, 0000  
 ANDREW J. CASSIDY, 0000  
 RITAANNE CHESNEY, 0000  
 ILUMINADA S. CHINNETH, 0000  
 DENISE M. COAKLEY, 0000  
 JOYCE V. COWAN, 0000  
 GEORGETTE M. DIGGS, 0000  
 ROBERT P. DURKEE, 0000  
 FRANKIE L. EVANS, 0000

TERRENCE E. FLYNN, 0000  
 DAWN M. GARCIA, 0000  
 CHINETTE GEORGE, 0000  
 JOSEPH P. GOLLASCH, 0000  
 CAROL F. HALLE, 0000  
 MENDALOSE O. HARRIS, 0000  
 JEANNE F. HULSE, 0000  
 JEAN M. JONES, 0000  
 BARBARA J. KING, 0000  
 PETER A. KUBAS, 0000  
 LISA A. LEHNING, 0000  
 VINCENT L. LETO, 0000  
 ANGELIQUE R. LIKELY, 0000  
 STEPHEN J. LINCK, 0000  
 BRIDGET E. LITTLE, 0000  
 JULIE C. LOMAX, 0000  
 RICK L. MARTIN, 0000  
 KATHLEEN E. MCARTHUR, 0000  
 TINA L. MILSTEAD, 0000  
 WADE D. MORCOM, 0000  
 ROSEMARY A. MURPHY, 0000  
 LAURA E. NEWKIRK, 0000  
 RHONDA D. NEWSOME, 0000  
 JANET D. PAIGE, 0000  
 JENNIFER B. PETERS, 0000  
 AMERICA PLANAS, 0000  
 MARK K. REYNOLDS, 0000  
 JENNIFER L. ROBISON, 0000  
 LORRAINE A. ROEHL, 0000  
 EFREN L. ROSA, 0000  
 JAMES L. SALL, 0000  
 DAVID W. SEIFFERT, 0000  
 MARIA L. SERIOMELVIN, 0000  
 TERRY L. SHIER, 0000  
 ANNE M. SILVASY, 0000  
 LISA M. SNYDER, 0000  
 LOUIS R. STOUT, 0000  
 MARIA B. SUMMERS, 0000  
 SANDRA L. SUMMERS, 0000  
 LINDA A. SWENSON, 0000  
 LORI L. TREGO, 0000  
 JOSE R. VELEZRODRIGUEZ, 0000  
 MIMI E. VELOSO, 0000  
 MARTA E. VIVES, 0000  
 CATHY M. WALTER, 0000  
 WATRINA W. WHITE, 0000  
 KANDACE J. WOLF, 0000  
 COLLEEN D. WOLFORD, 0000  
 MARGARET E. WOODS, 0000  
 EDWARD E. YACKEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

RICHARD E. BAXTER, 0000  
 JAMES R. BEAN, 0000  
 CHRISTINE L. EDWARDS, 0000  
 ANDREW J. FABRIZIO, 0000  
 JOHN P. GERBER, 0000  
 KERRIE J. GOLDEN, 0000  
 LYNNE M. LOWE, 0000  
 SHANNON M. LYNCH, 0000  
 HEATHER H. MORIYAMA, 0000  
 ANDREW R. OBRIEN, 0000  
 RAYMOND L. PHUA, 0000  
 JOHN A. RUBAL, 0000  
 LORI D. SIGRIST, 0000  
 SARA J. SPIELMANN, 0000  
 LORI E. SYDES, 0000  
 GREGORY A. WEAVER, 0000  
 BARRY D. WHITESIDE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

CHRISTOPHER G. ARCHER, 0000  
 CHARLES J. ATANASIO, 0000  
 STEVEN T. BALOG, 0000  
 BRADFORD A. BAUMANN, 0000  
 RALPH L. BIEGANIEK, 0000  
 JEFFREY C. BOTSFORD, 0000  
 DAVID A. BOWLUS, 0000  
 DWIGHT A. BROEDEL, 0000  
 ROBERT S. BROWN, 0000  
 SCOTT M. BULLOCK, 0000  
 ADDISON BURGESS, 0000  
 STEVEN E. CANTRELL, 0000  
 FRANK G. CAMPA, 0000  
 GALE C. COTTON, 0000  
 JEFFREY D. DILLARD, 0000  
 GILBERT M. ELLISON, 0000  
 SHMUEL L. FELZENBERG, 0000  
 GARY T. FISHER, 0000  
 KEVIN S. FORRESTER, 0000  
 COLLIE R. FOSTER, 0000  
 GRADY L. GENTRY, 0000  
 COLLIN S. GROSSRUCK, 0000  
 PAIGE K. HEARD, 0000  
 BARTON C. HERNDON, 0000  
 GRACE R. HOLLISTAYLOR, 0000  
 AVROHOM HOROVITZ, 0000  
 WILLIAM H. HORTON II, 0000  
 DANIEL E. HUSAK, 0000  
 DAVID K. JACOB, 0000  
 PAUL R. JAEDICKE, 0000  
 PETER E. JOHNSON, 0000  
 WILLIAM B. KILLOUGH, 0000  
 EDDIE KINLEY, JR., 0000  
 CHARLES W. KUHLMAN, 0000  
 VAIOA T. LEAU, 0000  
 MARK R. LEVINE, 0000

SUN S. MACUPA, 0000  
EDWARD C. MARTIN, 0000  
THOMAS J. MCCORT, 0000  
RODERICK R. MILLS, 0000  
JOHN L. MORALES, 0000  
CHRISTOPHER G. MORRIS, 0000  
JIMMY D. NICHOLS, 0000  
SHINRI M. NISHIMURA, 0000  
DARIN G. OLSON, 0000  
DAMON P. ONELLION, 0000  
TONY S. PETROS, 0000  
BRIAN M. RECK, 0000  
DERRICK E. RIGGS, 0000  
CELESTENE ROBB, 0000  
TERRY E. ROMINE, 0000  
JAMES J. ROZMIAREK, 0000  
ALAN T. SAVAGE, 0000  
STEPHEN G. SEXTON, 0000  
SCOTT E. SIMPSON, 0000  
XUAN N. TRAN, 0000  
MITCHEL A. TULLOSS, 0000  
DONALD J. VANALSTYNE, 0000  
THOMAS B. VAUGHN, 0000  
DENNIS R. VILLARREAL, 0000  
WILLIAM J. WEHLAGE, 0000  
PAUL H. YOON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

*To be lieutenant colonel*

WADE K. ALDOUS, 0000  
JOSE V. ALICEA, 0000  
ANTHONY M. ARMSTRONG, 0000  
DAVID A. AUT, 0000  
DEAN S. BANCROFT, 0000  
MICHAEL P. BEATTY, 0000  
DAVID P. BEAUCHENE, 0000  
THOMAS A. BELL, 0000  
STEPHEN M. BENTZ, 0000  
REX A. BERGGREN, 0000  
MELVIN F. BISHOP, 0000  
JAMIE A. BLOW, 0000  
TIMOTHY G. BOSETTI, 0000  
JAMES C. BOXMEYER, 0000  
TODD J. BRIERE, 0000  
MATTHEW S. BROOKS, 0000  
MURIEL L. BROWN, 0000  
WILLIAM D. BRUNSON, JR., 0000  
THOMAS S. BUNDT, 0000  
CHARLES L. BURTON, 0000  
DEBORAH M. CANADA, 0000  
REAGON P. CARR, 0000  
CHRISTOPHER COLACICCO, 0000  
ROBERT C. CONRAD, 0000  
JUAN COSMENORMANDIA, 0000  
JOEL S. CRADDOCK, 0000  
PAUL J. DAVIS, 0000

MARSHA M. DOROUGH, 0000  
PAULA DOULAVERIS, 0000  
RICHARD P. DUNCAN, 0000  
JOSEPH C. DUPUIS, 0000  
SCOTT G. EHNES, 0000  
SAMUEL L. ELLIS, 0000  
BENJAMIN H. ERVIN, 0000  
SCOTT H. FISCHER, 0000  
ALBERT E. FLACHSBARTH, 0000  
DARREN K. FONG, 0000  
LISA A. FORSYTH, 0000  
CAROLYN E. FOTA, 0000  
PATRICK M. GARMAN, 0000  
PATRICIA A. GAZZA, 0000  
WILLIAM E. GEESEY, 0000  
LINDA K. GLISSON, 0000  
AGUSTIN S. GOGUE, 0000  
KEVIN M. GOPON, 0000  
SONG H. GOTIANGCO, 0000  
PATRICK W. GRADY, 0000  
LORY M. GURR, 0000  
LAWRENCE W. HALLSTROM, 0000  
DANIEL S. HAMILTON, 0000  
JAMES P. HANLON, 0000  
JEFFREY S. HILLARD, 0000  
RICHARD W. HOYT, JR., 0000  
JENNIFER L. HUMPHRIES, 0000  
CHRIS L. JACKSON, 0000  
LAMONT G. KAPEC, 0000  
JAMES R. KELLEY, 0000  
DENNIS B. KILLAN, 0000  
RICHARD J. KING, 0000  
KAREN M. KOPYDLOWSKI, 0000  
AMY K. KORMAN, 0000  
MARK D. KRUEGER, 0000  
PETER A. LEHNING, 0000  
ANTHONY J. LOPICCOLO, JR., 0000  
JOHN H. LOREY, 0000  
STEVEN R. MATSON, 0000  
GORDON D. MAYES, 0000  
TERENCE S. MCDOWELL, 0000  
JOHN B. MCNALLY, 0000  
DANNY J. MORTON, 0000  
KELLY C. MOSS, 0000  
KEVIN J. MULALLEY, 0000  
DINO L. MURPHY, 0000  
ANTHONY R. NESBITT, 0000  
SANG J. PAK, 0000  
JOHN PARSELEY, 0000  
MARSHA B. PATRICK, 0000  
LARRY R. PATTERSON, 0000  
NANETTE S. PATTON, 0000  
PATRICK W. PICARDO, 0000  
AZIZ N. QABAR, 0000  
TIMOTHY J. RAPP, 0000  
DWIGHT L. RICKARD, 0000  
KEITH A. RIGDON, 0000  
KEVIN W. ROBERTS, 0000  
ROBERT R. ROUSSEL, 0000  
MICHAEL A. SALAMY, 0000

PAUL M. SANDER, 0000  
JOHN G. SANDERS, 0000  
HAROLD S. SANO, 0000  
DAVID R. SHOEMAKER, 0000  
ANDREW J. SMITH, 0000  
MICHAEL W. SMITH, 0000  
PHILIP L. SMITH, 0000  
SHAUNA L. SNYDER, 0000  
KEVIN R. STEVENSON, 0000  
THOMAS A. SYDES, JR., 0000  
EUGENE THURMAN, 0000  
JAMES E. TUTEN, 0000  
KEVIN W. WERTHMANN, 0000  
RODERICK S. WHITE, 0000  
WAYNE H. WHITE, 0000  
ROBERT M. WILDZUNAS, 0000  
DAVID W. WILSON, 0000  
TOU T. YANG, 0000  
ESMERALDO ZARZABAL, JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C. SECTION 12203:

*To be captain*

CATHY L. TRUDEAU, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

JOHN C. BEACH, 0000  
SCOTT D. BORMANIS, 0000  
WILLIAM S. FLOURNOY, 0000  
RAOUL F. GONZALES, 0000  
SHERRY L. GRAHAM, 0000  
JOSEPH G. HARRE, 0000  
REBECCA K. HOLT, 0000  
STEVE R. LAWRENCE, 0000  
NOREEN A. MURPHY, 0000  
LLOYD T. PHINNEY, 0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

WALTER J. LAWRENCE, 0000

*To be lieutenant commander*

DIANN B. GORDAN, 0000  
RONALD L. RUGGIERO, 0000

## EXTENSIONS OF REMARKS

### TRIBUTE TO BRUCE FARMER

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. PAUL. Mr. Speaker, I wish to take this opportunity to pay tribute to Mr. Bruce J. Farmer, Sr., a remarkable man who passed away on June 28. I also respectfully request unanimous consent to insert the printed version of a eulogy for Mr. Farmer.

Mr. Farmer, a resident of Galveston, Texas, was a husband, father of four sons, entrepreneur, and community leader. Mr. Farmer's career exemplifies the best features of American capitalism. Mr. Farmer was CEO of Farmer's Copper Ltd., which he founded in 1978 as Farmer's Copper and Industrial Supply. Under his leadership, Farmer's Copper Ltd. grew into one of the nation's largest privately owned copper and brass distributors, employing approximately 185 people in Galveston. Mr. Farmer began working in the metal fabrication business at the age of 14, when he went to work for Farmer's Marine Copper Works, an engineering and fabrication firm founded by his father and uncle. Mr. Farmer was also CEO of the Four Winds Investments and a director of Moody National Bank.

Mr. Farmer first demonstrated his commitment to serving his community and country at the age of 16 when he enlisted in the U.S. Merchant Marines in order to serve his country at the height of World War II. Throughout his life, Mr. Farmer did not allow the demands of growing his business to distract him from becoming involved in various local and national organizations. For example, he served on the Methodist Foundation Board and on other boards of the Methodist Church. An avid outdoorsman who loved fishing, hunting, golfing, and skiing, Mr. Farmer also served as past President of the Galveston Propeller Club and received the Maritime Man of the Year award.

Mr. Speaker, I am honored to be able to pay tribute to this fine man, and I hope all my colleagues join me in sending my deepest condolences to his family. I hope Mr. Farmer's family is comforted by the knowledge that the whole community of Galveston joins them in mourning his passing.

"MY BELOVED SONS"

AUTHOR UNKNOWN

There's a feeling apart  
In a father's heart  
For his son.

A certain pride  
Down deep inside  
For this special one.  
When there are two  
Its twice come true  
And life grows richer still.

A third little boy  
Is a brand new joy,  
And all seems perfect until;  
You add one more  
To make it four,  
And life takes on a new zest,

To share life's joys  
With four little boys  
Is living at its best.

Bruce kept that poem in his desk at work. I think that says a lot about the man and his philosophy. His family was part of his work and his work was part of his family. I have had the honor and privilege of working with Bruce for the past twenty five years. Notice I said with and not for. No one worked for him.

Everyone at Farmer's Copper is part of a team, part of the family. We all knew that there was not a job Bruce could not do, would not do or had not done. He was a man that led by example.

Every morning he would make his rounds through the offices ostensibly to check on the staff and see how business was doing. The real reason was that he wanted to mooch hugs from all of the ladies.

Bruce would also make his rounds through the warehouse. He would stop in the different departments to see how the equipment was running, how the men were doing and what the day's workload looked like. He would offer his opinion or make a suggestion and then tell them to "carry on". Funny, I never remember him mooching hugs down there.

Bruce really valued his employees and truly treated them as family. There were dozens of times when he quietly and privately helped an employee through their personal tragedies and hardships. Me included.

He always kept his door open and would gladly listen to any employees concerns, complaints or suggestions. Bruce always had time to help.

Under his leadership, Farmer's Copper grew from a tiny almost afterthought division of Farmer's Marine into a leader of the metals industry. Farmer's Copper is known both nationally and internationally as the premier source for copper based metals.

His unique vision and courage to stay on the forefront of technological advances in both equipment and material is what makes us a leader today and for the last twenty five years.

His willingness to invest in equipment, inventory and especially people has assured our success. His boundless energy and ever present optimism inspired us all. During industry downturns when others saw troubles, Bruce found opportunity. When everyone else was in the dark, Bruce found the light. That is how in a volatile and cyclical industry we have always prospered.

On a personal note, I have lost one of my best friends, a fishing buddy and hunting partner. But most of all, I've lost my second father. I have known Bruce all of my life. The older we got, the closer we got. He meant more to me than words can say. And I know without a doubt that he felt the same towards me.

That's how it was with Bruce. When you were his friend, you felt it deep down in your heart. And if you were not his friend, that just meant that you had not met him yet.

I guess the highest honor he gave me was when I became a member of the "Old Fart Hunting Club." Every year on the second

weekend of deer season Bruce would round up the "Old Farts" and we head out to the Rock Island ranch.

This group consisted of Bruce's oldest and dearest friends. Members included Buddy Benson, Jimmy Regan, Bill Glenn, Gene Morris and of course the late Nat Pepper. There were dozens of other honorary members who attended through the years. You always knew that things would get exciting when Joe Cantini made the trip. And you always had make sure there was just a little bourbon for when Kenneth Nance would drop by.

Last year I was the only participant under retirement age that had not had a heart attack. The trips were exciting for me every year. Sitting around the fire or on the front porch with these guys have been some of the best times of my life. Listening to stories of their past: the obstacles faced, the friends lost and the achievements accomplished made me proud to be included. It also made me a better man. Of course some of the tails were pretty tall and then there was the always present practical jokes.

I think my favorite included Nat. Nat always enjoyed his Saturday night bath. As the story goes, one such night Bruce called out to Nat that he had drawn a bath for him. Nat thanked him and proceeded to the giant old cast iron, clawed foot tub. After he disrobed and prepared to enter the tub he saw it. A small bass swimming in circles trying to find its way out.

Bruce had caught the fish earlier and placed it in the tub. I don't know who was more shocked. Nat or the bass. Like the bass we must find our way now. Everyone here is a better person for having known Bruce. We as friends, family and coworkers must now "carry on".

### PERSONAL EXPLANATION

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. TIAHRT. Mr. Speaker, on July 11, I was unavoidably detained and missed rollcall votes Nos. 360, 361, 362, and 363.

Rollcall vote No. 360 was on the ordering of the previous question. Had I been present, I would have voted "yea."

Rollcall vote No. 361 was on agreeing to the Berkley amendment. Had I been present, I would have voted "nay."

Rollcall vote No. 362 was on agreeing on the motion to recommit with instructions. Had I been present, I would have voted "no."

Rollcall vote No. 363 was final passage of H.R. 4411. Had I been present, I would have voted "aye."

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 11, 2006*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

I rise in opposition to H.R. 4411. Clearly, gambling on the internet has become an increasingly popular activity and lucrative business. It is estimated that the internet gambling market now exceeds \$12 billion, and about \$6 billion comes from U.S. bettors. It is estimated that there are now over 2,000 gambling websites. But is internet gambling a net plus or minus for society? That is the question that I hoped the hearings held by the Judiciary Committee on this legislation would answer. Regrettably, my questions have not been answered satisfactorily. Therefore, I cannot support the bill.

My concerns are four-fold.

First, this legislation attempts to clarify the Wire Act to prohibit not only sports betting, but traditional gambling such as online poker. The bill also attempts to update the Wire Act to cover more Internet technologies, such as wireless infrastructures that increasingly make up the Internet. My concerns here Mr. Speaker is that factual record regarding the need for amending the Wire Act has not been demonstrated and, more important, we did not have the benefit of the views of senior prosecutors and Justice Department officials on the necessity of amending the Wire Act. I note that the DOJ representative who appeared before the subcommittee, Mr. Bruce Orr, is not a presidential appointee, was not authorized to speak for the Administration, and did not seem deeply immersed in the provisions of the bill. This lack of solid legislative-executive dialectic is sufficient in itself to hold the bill in subcommittee until a more reliable factual record is developed.

Second, I am also concerned that the carve-out for internet gambling on horseracing will place the United States at risk of being found in violation of trade laws by the World Trade Organization. The bill, as written, can be arguably characterized as disadvantaging European and Australian based internet gaming companies who would be excluded from the American market, while their American counterparts would not be excluded. Should the United States be found to have committed a trade violation, I am concerned that Europe and Australia will retaliate against American goods and services.

Third, Mr. Speaker I was very impressed with the testimony of Mr. Sam Vallandingham, Vice President, First State Bank, who testified on behalf of small independent community banks. Mr. Vallandingham testified before the Judiciary Committee, and I daresay with great knowledge and conviction, that financial institutions, especially relatively small ones like the ones he represents, to identify, monitor, and track internet gambling transactions of its account holders. Mr. Vallandingham informed the subcommittee that financial institutions simply did not possess the sophisticated detection technology that could make it conceivable to identify problematic accounts. Since the risk of violation of this bill is great (violation carries

penal sanctions), it does not appear wise or prudent to impose this burden on small financial institutions.

Finally, Mr. Speaker, I would be remiss if I did not point an irony. Instead of providing minors with greater protections, this legislation threatens to make it much easier for minors to utilize the services of online gambling companies that operate across State lines. In addition, the legislation has the potential to generate a substantial increase in acts of money laundering and undoubtedly will expose various banks and Internet service providers to excessive liability and burdensome regulations.

According to the bill's lead sponsor, the gentleman from Virginia, one of the primary purposes behind the introduction of the bill was to stop online gambling from occurring. However, in its current form, the legislation only prohibits certain forms of online gambling while expressly permitting several other forms to proceed unfettered. Interestingly enough, these "special interest carve-outs" were the main focal point of a recent article in The Hill newspaper.

In that article, the key provisions in this bill were compared to a similar Internet gambling bill that had been introduced by the gentleman from Virginia and defeated in a previous Congress. The article determined that:

... The same Internet gambling legislation Abramoff fought so hard to defeat on behalf of a client that helped states conduct lotteries over the Internet now includes an exemption to protect those lotteries.

The article went on to point out that in addition to the exemption for lotteries, the bill also included language to protect wagering on interstate pari-mutuel betting on horse races from the scope of the bill's ban.

These blanket exemptions are obviously the byproduct of powerful gambling interests and can be directly traced back to three particular provisions of the bill—sections 3, 5, and 6. Section 3, for example, includes language which expressly exempts gambling on intra-state sanctioned activities, such as lotteries.

All in all, Mr. Speaker, we can do better than what is reflected in this legislation. A bad bill is worse than no bill at all. We should retain the bill and continue working to improve it, if we can.

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TRIBUTE TO NASA ON SPACE SHUTTLE "DISCOVERY" MISSION

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. PAUL. Mr. Speaker, I am pleased to introduce a resolution commending the people of the National Aeronautics and Space Administration (NASA) for the latest mission of the Space Shuttle *Discovery*. Successfully launched on July 4 this mission, known as STS-121, marks the second mission on the Return to Flight sequence. STS-121 originally was scheduled to perform just two space walks. However, due to the overall success of the launch, the mission was extended from 12 to 13 days, allowing for an additional space walk.

Among the other tasks that will be preformed on this mission are tests of shuttle

safety improvements to build on findings from *Discovery's* flight last year, including a redesign of the shuttle's external tank's foam insulation, in-flight inspection of the shuttle's heat shield, improved imagery during launch and the ability to launch a shuttle rescue mission. The External Tank, which underwent work prior to the mission to reduce foam loss, performed well this time especially early in the flight when a light weight piece of foam could severely damage the tile or wing leading edge, but nothing like that happened this time. The five instances of foam loss that were experienced all occurred after the critical release time. The largest foam loss on the mission, which occurred in front of one of the ice/frost ramps on the external tank, was calculated to be .055 pounds. The mass limit in that area is .25 pounds, meaning that the loss was not even a quarter of the way to the limit. NASA is very pleased with the performance of the tank, as it is a great improvement from last year's STS-114 mission.

The STS-121 mission will also bolster the International Space Station by making a key repair and delivering more than 28,000 pounds of equipment and supplies, as well as adding a third crew member to the Space Station.

STS-121 is NASA's most photographed mission in shuttle history as more than 100 high definition, digital, video, and film cameras are helping to assess whether any debris comes off the external tank during the shuttle's launch, while four new video added to the solid rocket boosters.

Mr. Speaker, the success of STS-121 is a tribute to the skills and dedication of all NASA employees, especially the Space Shuttle *Discovery's* crew of Colonel Steve Lindsey; Commander Mark Kelly; Piers Sellers, PhD; Lt. Colonel Mike Fossum; Commander Lisa Nowak; Stephanie Wilson; and Thomas Reiter.

What philosopher Ayn Rand wrote of the moon landing in 1969 applies to the STS-121 and all of NASA's missions: "Think of what was required to achieve that mission: think of the unifying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia." I encourage all of my colleagues and all Americans to join me in commending NASA for completing STS-121 mission, and all of NASA's work.

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PERSONAL EXPLANATION

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. TIAHRT. Mr. Speaker, on July 10, I was unavoidably detained and missed rollcall vote Numbers 358 and 359.

Rollcall vote Number 358 was on agreeing to H.R. 2563, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes. Had I been present, I would have voted "yea."

Rollcall vote Number 359 was on agreeing to the H.R. 5061, the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act. Had I been present, I would have voted "yea."

#### NEWTON BOARD SPEAKS OUT AGAINST GENOCIDE

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, the Board of Aldermen of the City of Newton, on June 27th, passed a powerfully worded and forcefully argued resolution on the Darfur genocide. I know that in passing this resolution the Board spoke for the overwhelming majority of the citizens of Newton, and I am pleased that I was able to report to them that I am doing everything I can as a Member of Congress to act in accordance with the policy that they advocate here.

Mr. Speaker, because the problem of genocidal practices in Darfur remains unresolved, it is important for us to continue to focus our efforts on the need for action to save people now in Darfur from being victims of genocide, even as we grieve for those who have already been victims.

Mr. Speaker, in that spirit I ask that the resolution from the Newton Board of Aldermen be printed here.

#### RESOLUTION ON DARFUR GENOCIDE

Whereas, the government of Sudan has engaged in a policy of genocide against its own black African population in Darfur through use of its military and through sponsorship of attacks by armed Arab militias known as the janjaweed; and

Whereas, the janjaweed and military of the Sudanese government are responsible for bombing villages and hospitals, gang-raping civilians, summarily executing throngs of black Darfurians, using forced starvation as a weapon of war, and impeding access of humanitarian aid to the 50% of Darfurians that are now reliant on assistance; and

Whereas, the Sudanese government is responsible for the death of 400,000 Darfurians and displacement of 2.5 million more; and

Whereas, in September 2004, U.S. Secretary of State, Colin Powell, declared before the Senate Foreign Relations Committee, that the Sudanese government and the Sudanese government-sponsored janjaweed have committed genocide; and

Whereas, both the United States House of Representatives and the United States Senate have declared, by unanimous votes, that the Sudanese regime of dictator Omar al-Bashir is committing genocide; and

Whereas, international companies, by conducting business operations in Sudan, bring direct foreign investment dollars to Khartoum and provide both moral and political cover to the Sudanese regime; and

Whereas Khartoum has funneled the vast majority of direct foreign investment into military expenditures used to perpetuate the genocide while neglecting needed development projects in the Darfur region; and

Whereas, the government of Sudan has a history of remedying egregious behavior in response to economic pressure; and

Whereas, the policy and practice of genocide is abhorrent to the moral and political values of the members of the residents of the City of Newton, the people of the United

States, and, indeed, democratic and free societies everywhere;

Therefore, Be It Resolved, that the Newton Board of Aldermen urges the President and Congress of the United States to take immediate action to apply pressure to the government of Sudan to end the genocide in the Darfur region;

Be It Further Resolved, that the Newton Board of Aldermen urges the Massachusetts Legislature to enact Senate Bill 2166, which would divest the Commonwealth's investment funds from companies doing business with the government of Sudan in such a way as to support or passively enable the Darfur genocide;

Be It Further Resolved that copies of this resolution be distributed to the President, members of the Massachusetts Congressional delegation, other members of Congress in positions of leadership of the House and Senate and their committees with jurisdiction over foreign policy and commerce, the Governor of Massachusetts and members of Newton's delegation to the state legislature, and other leaders of the state legislature as deemed appropriate; and

Be It Further Resolved that this resolution be posted on the official City of Newton web site.

Resolution offered by: Aldermen Parker, Burg, Linsky, Fischman, Hess-Mahan, Vance, Harney, Johnson and Danberg.

Resolution Passed Unanimously.

(SGD) R. LISLE BAKER,  
President.

(SGD) DAVID B. COHEN,  
Mayor.

#### IN RECOGNITION OF METRO DETROIT YOUTH DAY

#### HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. KNOLLENBERG. Mr. Speaker, I want to extend my appreciation to Edward Deeb and the Michigan Food and Beverage Association for facilitating the yearly Metro Detroit Youth Day event. Due to the leadership of Mr. Deeb and the Michigan Food and Beverage Association, families from throughout southeast Michigan have been able to participate in a free day of fun for children for the past 24 years.

Metro Detroit Youth Day, established in 1981, has been an annual event through which families throughout the metro Detroit area have been able to come together and share a day filled with exciting activities and games. Nearly 30,000 young people are expected to take part in the 24th annual Metro Detroit Youth Day, being held on July 12, 2006, on Belle Isle.

During the long months of summer, parents often find the need to find physically and mentally stimulating activities for their children while they enjoy their summer vacations. In Metro Detroit Youth Day, students are able to enjoy a day filled with wholesome activities that help fill a need for physical education and emphasizes leadership and fair play. Additionally, children are encouraged to stay in school, say no to drugs, and learn how to treat one another with respect and dignity.

The generosity of the entire community is evident in Metro Detroit Youth Day, with thousands of metro Detroiters contributing to this event each year. More than 190 community

organizations have come together to sponsor Metro Detroit Youth Day with the help of donations from dozens of corporate sponsors that make this day possible. Additionally, more than 900 adult volunteers from throughout the community offer their services in many capacities throughout the event.

The enthusiasm and dedication of Edward Deeb and the Michigan Food and Beverage Association have combined with organizations from all over Michigan to continually give back to countless families throughout the southeast Michigan community. I am pleased to offer my appreciation to all involved in Metro Detroit Youth Day for making it an annual success.

#### A TRIBUTE TO BASEBALL LEGEND BOB FELLER AND THE 60TH AN- NIVERSARY OF HIS GREATEST SEASON

#### HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. LATOURETTE. Mr. Speaker, I would like to enter into the RECORD an article from yesterday's Akron Beacon Journal about a baseball legend who also happens to be one of my constituents—Hall of Famer Bob Feller. The article was written by columnist and author Terry Pluto, one of the Nation's most respected sportswriters and someone whose work I greatly admire.

Pluto's article recounts the 60th anniversary of Feller's greatest season in 1946, his first full season after serving nearly four years in the Navy during World War II. It is a story for baseball fans of all ages, and it truly reminds me of all that is good in baseball and in America. As a lifelong Cleveland Indians fan, I am honored to share Pluto's wonderful story about Feller so it is forever preserved in the pages of the CONGRESSIONAL RECORD.

ALL-STAR FOR ALL TIME HALL OF FAMER BOB FELLER PUT UP SEASON FOR AGES IN 1946

What Bob Feller did 60 years ago will never happen again. That's not a surprise, a lot has changed in baseball since 1946.

But what Bob Feller did in 1946 never should have happened at all.

Start with pitching the 36 games.

Excuse me, the 36 complete games.

That's 36 complete games in 42 starts.

For a little context, the entire American League Central Division—that's five teams, including the Indians—had 35 complete games in 2005.

So in 1946, Bob Feller finished more games than all the pitchers on all the teams in the Central Division—combined!

In 2005, the Indians had the lowest ERA in the American League, along with 10 shut-outs—the same as Feller had in 1946.

Did I mention the four saves?

Feller also pitched in relief six times, saving four games.

Just what was the premier starting pitcher in baseball doing in the bullpen?

"I started every fourth day," Feller said. "I'd rest a day after my start, then I'd throw batting practice on the second day. Other times, I'd help out in relief just to get my throwing in."

He paused.

"Know what was crazy?" he said. "When I threw batting practice, I didn't have a (protective) screen in front of me. That was crazy, because I could have gotten hurt."



Everything in 1946 for Feller was insane, at least by today's pitching parameters.

Consider his 371 1/3 innings. His 348 strikeouts. His 26-15 record for a team that was 65-89. His 2.18 ERA.

It was a season in which he threw a no-hitter, a one-hitter, was the starting and winning pitcher in the All-Star Game and had a fastball clocked at 109 mph.

After the final game of the year, he took one day off.

"Then me and Satchel Paige went on a barnstorming tour," Feller said. "Played about 35 games in 30 days across the country—the major-league stars against the stars of the Negro Leagues. Traveled around in two jets. I started every game, usually pitched three innings."

Feller tells this story as if he were stating the obvious, like this is July and sometimes the weather is warm.

"I didn't think it was a big deal," he said. The white-haired Feller, now 87, would like to lose a few pounds. He comes to most Indians games. He has little use for what he considers the coddling of pitchers—everything from icing their arms to counting their pitches.

"I probably averaged 125-to-140 pitches (per game) that season," he said. "I was going for the strikeout record."

Feller says things like that, causing you to call a timeout.

Let's consider the pitch counts first, then the strikeout record. Feller knows all of his crucial statistics, and he's probably right in his estimate. An Associated Press story reported Feller using 133 pitches to no-hit the New York Yankees in Yankee Stadium. The story explained: "The Cleveland speedball artist threw 54 balls, 35 strikes (17 were called, 18 were missed), 29 were fouled off and 15 were hit to the infielders and outfielders."

Feller fanned 11, walked five.

"I always threw a lot of pitches," Feller said. "I had a high school game where I threw a shutout, walked 14 and struck out 14."

He paused.

"The game was called after five innings," he said.

I laughed. He wasn't kidding. If you do the math on that game, it meant only one batter made an out by hitting the ball. It meant he constantly had the bases loaded, and that he indeed threw a no-hitter.

In high school, most of his games were no-hitters. So when he threw three nohitters in the majors and a dozen one-hitters, at least one person wasn't shocked: Feller himself.

Back to the 1946 no-hitter.

Consider this: It was the bottom of the ninth inning. The Indians had a 1-0 lead. The Yankees' George Stirweiss led off by bunting for a hit, which was ruled an error on Tribe first baseman Les Fleming. Newspapers from New York and Cleveland both reported it was an easy play that Fleming botched, the ball rolling through his legs.

Think of today's unwritten rules about bunting to break up a no-hitter in the late innings, how it's considered an insult and somehow unsportsmanlike.

"Nah," said Feller last week. "It was 1-0. He was just trying to win the game."

Feller retired the next three hitters on ground balls to preserve the no-hitter.

"There was some talk, especially in New York, that I was washed up after the war," Feller said.

The no-hitter on that day in late April silenced any doubts. So did that incredible 1946 season, when he pitched in a league that featured the likes of Ted Williams, Joe DiMaggio, Hank Greenberg, Mickey Vernon and Rudy York.

Feller's 26 victories plus his four saves meant he had an arm in 30 of the Tribe's 68 wins.

Feller was 27 that year, at the height of his physical powers. If he says he threw more than 125 pitches most games, he probably did.

By contrast, in 2005, only two of the World Champion Chicago White Sox pitchers used more than 120 pitches. None had more than 130. No Tribe pitcher went over 120.

"I don't care how many pitches you throw," Feller said. "It's, 'Are you tired?' How are you throwing?"

Feller believed the arm is a muscle, and you develop it with exercise. The best one is throwing. He also lifted light weights, rare for a player of his era. He didn't smoke, rarely drank and ate reasonably well, lots of protein.

Never iced his arm, either.

"I used a little rubbing alcohol," he said. "Then after I'd pitch, I'd go home and take a nice, hot bath."

He lived at the Tudor Arm Hotel on East 107th and Carnegie Avenue.

"I had a beautiful suite, they had a great pool and I swam a lot," he said.

Feller was 6-foot, 185 pounds, in 1946. He looked taller because he had long arms, a high leg kick and a big windup that seemed to make him look so much closer to the hitter than the regulation distance of 6-feet, 6-inches when he released the ball.

He had a fastball for the ages, but he believes he notched as many strikeouts with his big, overhand curveball. It was a pitch that didn't just break about a foot to the right, but also dropped about a foot.

The rotation of the ball was so tight, so fast, that hitters swore you could hear it "bite" the air on the way to the plate.

Feller finished his career with 266 victories despite missing nearly four years while serving in World War II, much of it on the battleship *Alabama*. He didn't pitch in 1942-44, and only in nine games at the end of 1945.

He was in his early 20s, and had averaged 26 victories the three previous years. So you have to figure Feller could have won another 100 games. Who knows how many more strikeouts (at least 1,000) and no-hitters he might have had?

As for his military service, Whitey Lewis wrote in the *Cleveland Press*: "The erstwhile boy wonder, now a man, had served 44 months and had earned eight battle stars as a gunnery specialist on the USS *Alabama*. But could he still pitch?"

Feller did his throwing on the deck of the *Alabama*.

"Guys took turns wanting to catch me," he said.

Why not, even if they ended up losing some teeth because they missed a pitch. Feller had already won 107 games at age 22 when he entered the Navy. He led the American League in strikeouts for four consecutive seasons. His fellow sailors knew he was Cooperstown bound.

After nearly four years away from the majors, Feller returned to pitch nine games at the end of the '45 season. He was 5-3 with a 2.50 ERA, but some whispered he didn't throw quite as hard, his breaking ball was not as sharp.

Then came 1946, when Feller pitched and pitched and pitched—almost as if to make up for lost time.

At the all-star break, Feller had 15 victories and 190 strikeouts. In 1945, there was no All-Star Game because of war-time travel restrictions. In 1946, it was a celebration of returning stars such as Feller and Williams. Feller was the winning pitcher, throwing three scoreless innings. Williams had four hits, including two homers. The American League rolled, 12-0.

"Only time I ever won an All-Star Game," Feller said.

Feller always wanted to beat Rube Waddell's major-league strikeout record of 343 for a season, set in 1904.

"Wheaties was going to pay me \$5,000 if I did it," he said.

But then he detoured into a story of having his fastball measured. The Indians were playing in Washington, and Senators owner Clark Griffith advertised that Feller would throw his fastball into what was known as a Rube Goldberg device, and they would figure out the speed.

"I read about it in the paper, but Griffith never asked me," Feller said. "I got to the park to pitch that night, and finally they told me about the idea."

Feller said, "Fine, I want \$1,000."

Griffith said it was good for the game for Feller to go along with the gimmick.

Feller knew it also was good for Griffith's gate with all the extra fans coming.

"Settled for \$700," Feller said. "I threw 15-25 pitches into that thing."

The numbers ranged from 98 to 117 mph, depending upon where they set up the device. They came up with an average of 109. "Then I pitched something like 10 innings," Feller said. "Got beat 2-1."

Feller said part of the reason he pitched in relief was to pick up some extra strikeouts. In the second-to-last game of the season, the Indians were in Detroit. In the game, he tied Waddell's record of 343.

The next day, there was no game.

Forty-eight hours later, the Indians played their final game of the season—and Feller was on the mound again. He pitched nine innings, winning 4-1, and striking out five to claim the record at 348.

"But 10 years later, they went back and recounted Waddell's strikeouts (from 1904) and found six more, putting him ahead of me by one," Feller said. "If I knew it back then, I just would have pitched in relief another game and struck out some more guys."

At least he did get the \$5,000 from Wheaties.

The barnstorming tour was an adventure all its own.

"Started in Pittsburgh, ended up in Seattle," Feller said. "Had two DC-3s; went first class. I paid Stan Musial \$10,000. Other guys got \$300 to \$500 a game. Some got more."

Consider that in 1946, the winner's share of the World Series was only \$2,000 per player, which was big money.

Remembering the barnstorming tour, Feller didn't care about the race issue. He liked Paige, he respected the black players and knew the games would draw big crowds, everyone making money in the process.

"I was excited to be chosen to play for the Satchel Paige All-Stars," Buck O'Neil wrote in his book, *Right on Time*. "I knew I'd be making more money in that month than I did in six. I'd be taking my first plane ride and I felt this tour was an event that could have a real effect on big-league integration."

Feller made more than \$100,000 in 1946. His base salary was \$50,000, and Tribe owner Bill Veeck paid him a bonus for attendance at his home games. He also had his own radio show, made commercials and personal appearances. He led the American League in wins (26), shutouts (10), strikeouts (348), games pitched (48) and innings (371 2/3).

He would never again strike out more than 196 batters in a season. His career ended in 1956.

"It wasn't because I threw too much in 1946," he said. "It's because I slipped on the mound in Philadelphia the next year. I had maybe my best fastball, struck out nine of the first 11 guys. I went to throw a curve, my front foot gave out and I felt something rip in the back of my shoulder."

He pitched a few more innings, then rested. But not for long. Feller still was 20-11 with a 2.68 ERA in 1947. He threw 299 innings, completed 20 games and struck out a league-leading 196.

"But I never was really the same after that," he said. "That's why I say 1946 was my greatest year."

Feller said it with a shrug. Sixty years and another era ago.

That season, shortstop Lou Boudreau also was the manager. A fellow named Bob Lemon began the year as a light-hitting outfielder and was converted to pitcher during the season—no stop in the minors. He was 4-5 with a 2.49 ERA in 1946 and eventually made the Hall of Fame, just like Feller.

"A different game," Feller said.

One every baseball fan wishes they could have seen.

**CONGRATULATING STEVEN B. RENEAU**

**HON. VITO FOSSELLA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. FOSSELLA. Mr. Speaker, I want to extend my congratulations to Steven B. Reneau, a Staten Island resident and recent graduate of Staten Island Technical High School. Steven is the Iron Man of the city school system. You see, since he entered the first grade in 1994, Steven has not missed a single day of school—translating to roughly 2,160 consecutive days of class.

Steven never gave much thought to the distinction until his eighth-grade teacher at St. John's Lutheran School on Staten Island noted that his attendance had been unblemished. From this point forward, Steven made attending class every day his priority.

Instead of being held down by illness, bouts of exhaustion, or pressure from his peers to cut class, Steven says his perfect attendance drove him to keep going—with a few tough love nudges from Mom. Steven even postponed an all-expenses-paid trip to M.I.T. because the visit was in the middle of the school week.

His persistence has paid off. Steven, who was elected class president three times and was a member of the swim team, has received three scholarships to Yale University to study economics and history with an eye toward graduate school—with perfect attendance—no doubt. Again I want to congratulate Steven on his outstanding achievement and I wish him the best in his future endeavors.

**CONDEMNING BOMBINGS IN MUMBAI, INDIA**

**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. ROYCE. Mr. Speaker, as chairman of the Subcommittee on Terrorism and Non-proliferation, I rise today to strongly condemn the terrorist bombing that occurred yesterday in Mumbai, India.

Yesterday, eight bombs ripped through crowded commuter trains headed for Mumbai, in a well coordinated terrorist attack, which claimed as many as 190 lives, and injured hundreds more.

While there has been no immediate claim of responsibility for the bombings, the style of attacks and targeting of mass transportation

share the tactics of al Qaeda and Kashmiri militants. While we commiserate with India, we must also view these attacks as a reminder that terrorism is indeed a global struggle. It is often said that India and America have a natural bond as two of the largest democracies. Today we share a bond of a common enemy: what the 9/11 commission identified as Islamist terrorism.

Today our thoughts are with the people of India, and I am confident that the aftermath of these attacks, we will see all the resilience that is embodied in the Indian people.

**RECOGNIZING DOUG TRIPP OF PASCO COUNTY, FLORIDA**

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor a local home-builder who has gone above and beyond the call of duty to meet the needs of his fellow citizens.

Hailing from Land O'Lakes, FL, Doug Tripp is actively involved in local efforts to help residents of Pasco County achieve their dream of homeownership. As a volunteer for the Habitat for Humanity chapter of central Pasco County for a number of years and currently serving as the organization's president, Doug has also personally provided thousands of dollars toward the group's efforts.

In addition to donating plots of land so that habitat affiliates can build new homes, Doug also contributes countless hours of work on job sites alongside the Habitat partner families. His financial assistance to other needy people in our community has helped others build the home of their dreams.

A Generous supporter of all Pasco County residents' needs, Doug's dedication to the families living in the area also includes volunteering for Big Brothers Big Sisters and several youth athletic organizations.

As a local business leader, Doug founded tripp trademark homes in 2001, building more than 200 homes a year and providing more than 100 people with quality jobs. Doug and his wife Holly have a daughter Loren and two sons, Jake and Zack.

Mr. Speaker, Doug Tripp's success in business has driven him to give back to the Pasco County community. As a volunteer and generous contributor to help other people in need, Pasco County is richer for Doug's involvement and his tireless support of families needing a home.

**HONORING SENIOR CORPORAL ARTHUR D. BUSBY, JR.**

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Senior Corporal Arthur Busby is a true American hero, who has proudly served the Dallas Police Department since 1973. His tireless devotion to the department, his colleagues and the people of Dallas is to be commended.

It has been said that the ultimate measure of a person's life is the extent to which they made the world a better place. Arthur Busby's work has forever shaped the Dallas community; not only through the lives he has saved, but the ones he has touched.

Senior Corporal Busby's contributions to the Dallas community cannot simply be measured by a time clock. His extensive involvement in community service includes work with the Boys Club of America, the Dallas Community Service Center, and the United Negro College Fund, just to name a few. Additionally, Senior Corporal Busby is very accomplished in the field of marshal arts and has extended that knowledge by means of instruction and assistance throughout the community.

As a member of the Special Operations Tactical Section, Arthur Busby has been on the front lines on many perilous situations. As part of his duties in hostage rescue, Senior Corporal Busby has bravely rescued many individuals from potentially deadly situations. In 1998, Senior Corporal Busby played a key role in freeing a 4-month-old baby from a 3-hour hostage standoff. His bravery and composure has made the difference between life and death for many citizens of Dallas.

Throughout his 33 years with the Dallas Police Department, Senior Corporal Busby's commitment to law enforcement has been an inspiration to all of us, and has made an enormous difference to thousands of our fellow citizens. Upon his retirement, I wish him the best for the years ahead. Certainly, his impact and contributions as a police officer will not be forgotten.

**IN TRIBUTE TO FRANK ZEIDLER FORMER MAYOR OF MILWAUKEE**

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to the life and work of a man that has been called the conscience of Milwaukee. The Honorable Frank Zeidler, who died this week at the age of 93, served 3 terms as Mayor of Milwaukee. He dedicated his entire adult life to improving the quality of public policy and government services in this community.

A life long resident of the City of Milwaukee, Frank Zeidler grew up in Merrill Park, and raised his own family in a modest neighborhood on North Second Street. He is widely remembered for his vigorous intellect, strong commitment to the use of government to solve problems, and unparalleled integrity.

Prior to serving as mayor, he was elected to be county surveyor and served 2 terms as member of the Milwaukee School Board. As Milwaukee's mayor from 1948-1960, Mr. Zeidler implemented a wide range of initiatives that reflected his contention—often attributed to his adherence to socialist ideology—that government could serve as a powerful tool for improving the lives of residents. He devoted considerable effort to improving government services, upgrading garbage collection and the fire department, expanding library access, starting a public television station and a public museum, and ensuring high quality infrastructure. He oversaw the development of thousands of units of low-income and veterans'

housing. He was strongly committed to working to combat poverty and ensuring respect for the civil rights of all.

After 12 years as mayor, he reentered life as a private citizen, but continued to champion these ideals through community action. A true public servant, he was lauded by friends and foes alike for his principled behavior, and for his evident commitment to seeking the best solutions to the problems we face as a community. I am honored to pay tribute to him, and to thank him and his family for their efforts to make Milwaukee and the Fourth Congressional District a better place in which to live for everyone.

#### A MODEL OF GENEROSITY

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. SANDERS. Mr. Speaker, this past week the Visiting Nurses Association of Chittenden and Grand Isle Counties announced that it received a generous gift of \$1 million from Lois McClure. It is what we have come to expect of Mrs. McClure. She, along with her husband, J. Warren McClure, who died in April 2004, has sustained and encouraged a great variety of community-building in the State of Vermont. From support for the hungry and the homeless to the preservation of Vermont history, from concern with teenage mothers to grants to champion Lake Champlain and its heritage, Lois McClure has used her substantial resources to make Vermont a better and more caring place to live.

In addition to the remarkable donation to the VNA which was recently announced, let me cite only a partial listing of the donations that Lois McClure and J. Warren McClure have given to support Vermont and Vermonters. One million dollars to the Burlington Community Land Trust, the first municipally-funded land trust in the Nation. One million dollars to the Vermont Historical Society for the study of Vermont history, and \$100,000 for the Rokeby Museum which preserves that history, as does the Lake Champlain Maritime Museum, also a recipient of McClure funds. And \$1 million to renovate the USS *Ticonderoga* at the Shelburne Museum, along with generous funding to build an 88-foot working replica of a sailing canal boat, appropriately christened the Lois McClure. Two and a half million dollars to the Leahy Center for Lake Champlain to study and preserve and educate people about the lake on Vermont's western border. Education? Generous grants to Vermont's St. Michael's College, Champlain College, the Snelling Center for Government, and the UVM Bailey-Howe Library. Money for preserving our agricultural tradition to Shelburne Farms, for supporting community philanthropy for the Vermont Community Foundation, for improving health care on every level to the Vermont-New Hampshire Red Cross, generous gifts to the Vermont Respite House and to the Fletcher-Allen Hospital.

And money to build community, especially focused on the needs of the elderly, children and the homeless: To establish the McClure Multigenerational Center in Burlington, to support the Chittenden Emergency Food Shelf, and to the Baird Center for Children and Fam-

ilies and the Committee on Temporary Shelter (COTS) in Burlington.

Many people work to make Vermont a special place. They tend to those in need and feed the hungry. They educate young people and secure the health of all of us. They remind us of our past and give us a firm foundation to move securely into the future. Lois McClure is just one of those many, one of the countless generous people in our state. But, always, financial support enables the work that we all do together to build and strengthen our communities. Time and again Lois McClure and her late husband have supported the efforts of those who care, and provided funds for those in need. And for that we thank her, and honor her.

#### TRIBUTE TO LIEUTENANT COLONEL DONALD P. LAUZON

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. UPTON. Mr. Speaker, I rise today to recognize and pay tribute to Lieutenant Colonel Donald P. Lauzon of the U.S. Army Corps of Engineers upon both the completion of his command as the District Engineer for the Detroit District and also upon his retirement from distinguished service with the U.S. Army Corps of Engineers.

Colonel Lauzon earned his Bachelor of Science in Industrial Engineering and is a Distinguished Military Graduate from Rhode Island College, Providence, RI; a Masters of Military Operational Art and Science from the United States Air Force Air University on the historic Maxwell-Gunter AFB, AL, as well as a Masters Degree in Construction Management from Colorado State University, Fort Collins, CO. He was commissioned in the U.S. Army in 1986.

Lauzon has served with distinction abroad in Bosnia, Iraq and Germany. His assignments include a tour in Bosnia serving on both 1st Infantry Division and 1st Armor Divisions' General Staff at Camp Eagle, Tuzla, and in Desert Shield/Storm as the Assistant Operations Officer and Battalion Battle Captain in support of the 20th Engineer Brigade. As a Lieutenant, he served as a platoon leader and Company Executive Officer of the 547th Combat Engineer Battalion, Germany.

He has also served in a wide array of assignments in the U.S., including the Chief of Operations Branch, Defense Mapping School, Fort Belvoir, VA; Battalion Executive Officer, 249th Engineer Battalion (Prime Power); Executive Officer, Deputy Chief of Engineers, Headquarters' USACE, Washington, DC; Resident Engineer for Fort Dix/McGuire AFB of the New York District; and as Company Commander of the 299th Engineer Battalion at both Fort Carson, Colorado and Fort Sill, Oklahoma. Immediately prior to arriving in Detroit, LTC Lauzon served as Chief of the Department of Military Training, National Geospatial and Intelligence Agency, Fort Belvoir, Virginia.

Colonel Lauzon is a recipient of the Bronze Star. His other numerous citations include: the Defense Meritorious Service Medal; the Meritorious Service Medal, 4th award; Army Commendation Medal, 4th award; Army Achieve-

ment Medal, 3rd award; National Defense Service Medal; Armed Forces Expeditionary Medal; South-West Asia Medal with 2 stars; Kuwaiti Liberation Medal; NATO Ribbon; Armed Forces Service Ribbon and the Meritorious Unit Citation. His badges include Basic parachute and Air Assault.

He served as the Commander, Detroit District U.S. Army Corps of Engineers from 2004 to 2006. My district, which is southwest Michigan, was fortunate to finally have a Detroit District Commander who really paid attention to the needs of the small communities on Lake Michigan. During his tenure, there was significant progress made in the dredging of the St. Joseph, Michigan harbor for the first time in many years. The entire community appreciated the diligence of Colonel Lauzon in dealing with the issues that were most important to us.

I wish to personally thank Colonel Lauzon for not only his service to the country, but particularly for his assistance to the great State of Michigan over the last 2 years. I wish him much success in his future endeavors, particularly on the golf course.

#### TRIBUTE TO LIEUTENANT COLONEL DAVID E.A. JOHNSON

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize and thank Lieutenant Colonel David E.A. Johnson for his 22 years of service to the United States, and to commend him on an exemplary career with the United States Army.

LTC Johnson entered the United States Military Academy at West Point in 1980 where he graduated in 1984 in the top 15 percent of his class. He later became one of 23 out of 124 qualified officer candidates to graduate from the Special Forces Detachment Officers Qualification Course. He was immediately assigned to command a Special Forces "A-Team" in the 5th Special Forces Group in Operations Desert Shield and Desert Storm. In 2000, he served as an Army legislative liaison in the House Liaison Division where he planned, coordinated and escorted Congressional Delegations on fact-finding missions to over 28 countries and seven States. In 2002, LTC Johnson was selected as an Army Strategist to augment Combined Joint Special Operations Task Force—North in support of Operation Iraqi Freedom as Chief of Plans and Current Plans. In Operations Iraqi Freedom and Enduring Freedom, he has transformed Special Operations Theater Support Element procedures, integrating General Purpose and Special Operations Forces and has been a key leader of logistics transformation.

Overall, LTC Johnson has earned over 36 separate combat and peacetime awards as well as nearly every special skill badge authorized. He has shown consistent excellence in leadership, planning, and innovation, while making a permanent impact on Special Operations.

Mr. Speaker, I ask my colleagues to join with me in honoring Lieutenant Colonel David E.A. Johnson and thanking him for the countless sacrifices he has made for this Nation,

and the 22 years of remarkable service in the United States Army. May he know that this body and his Nation are proud of him.

# TRIBUTE TO RON GREENSTEIN

## HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. WEXLER. Mr. Speaker, I would like to take this opportunity to recognize the significant achievements of a gentleman who has shown great leadership throughout the State of Florida, Representative Ron Greenstein, who will soon be completing his last term in the Florida Legislature.

Throughout his career, Representative Greenstein has stood out as a devoted supporter of environmental, health care, hunger and economic causes. He has championed issues for senior citizens, fought to protect Florida's water resources and advocated for the legislation of video lottery terminals. He displayed profound dedication to children's hunger causes with his 2004 IMAGINE specialty tag bill, which provided funding for food banks throughout the State, and his 2005 Children's Summer Nutrition Act, which drew down nearly \$104 million to implement summer feeding programs for disadvantaged children.

A passionate advocate of environmental reform, Representative Greenstein has served as Executive Director of the Broward County Resource Recovery Board, which promotes solid waste management, conservation of energy and recycling. He has recently been honored with the "Legislative Leadership Award" by the Florida Association of Food Banks and has been acknowledged as the "Favorite Legislator" by the Silver-Haired Legislature. An active and dedicated member of the South Florida community, Ron has served as Chairperson of the Broward Alliance and Broward County Welfare Reform Committee, and has held a position in the Board of Directors of the North Broward Chamber of Commerce and the SOS Children's Village in Broward County.

Today, I congratulate Representative Greenstein on his exemplary work and thank him for his unwavering commitment and determination throughout his career as an elected official of the State of Florida.

# COAL-TO-LIQUID FUEL ENERGY ACT OF 2006

## HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. RAHALL. Mr. Speaker, while other industrialized countries have embraced weaning themselves off imported oil by commercializing coal-to-liquid fuel technologies for transportation fuels, the United States has lagged behind in this endeavor as it has with other alternative fuels primarily due to the lack of will and the price of oil.

South Africa, for instance, at its Sasol facilities, is meeting 30 percent of its liquid fuel requirements through coal liquefaction using a technology originally developed in Germany

during the 1920s. Worldwide oil prices are now at a level that would make more attractive investments in large-scale coal-to-liquid fuel facilities in this country. However, as evident with other alternative fuels such as ethanol, federal incentives will be necessary in order to sustain this type of an effort over the long-term.

The "Coal-to-Liquid Fuel Energy Act of 2006" proposes to take an omnibus approach to the commercialization of coal liquefaction technology by stimulating the production, marketing, and use of coal-to-liquid fuels. The bill would:

Amend the Energy Policy Act of 2005 to explicitly make commercial coal-to-liquid fuel facilities eligible under that law's energy project loan guarantee program.

Establish a loan program within the Department of Energy to commercialize coal-to-liquid fuel facilities.

Authorize as the Energy Secretary deems appropriate the purchase of coal-to-liquid fuels for Strategic Petroleum Reserve purposes.

Extend through 2020 the availability of the alternative fuel excise tax credit for coal-to-liquid fuels authorized by the 2005 federal highway and transit reauthorization legislation (SAFETEA-LU).

# HONORING ARNOLD B. GARDNER, ROOT-STIMSON AWARD RECIPIENT

## HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. HIGGINS. Mr. Speaker, I rise today to recognize and congratulate Arnold B. Gardner, a determined and dedicated leader in the advancement of quality and accessible education, as the recipient of the Root-Stimson Award, presented recently by the New York State Bar Association for outstanding community service.

I can think of no one more deserving as Arnold Gardner for this prestigious award. Mr. Gardner is well-known for his volunteer service across the state and as a "champion of public education," according to Jeremiah J. McCarthy, president of the Erie County Bar Association.

Mr. Gardner is indeed a champion whose advocacy on behalf of public education spans almost four decades. From 1969–1977, he was a member and served as president of the Buffalo Board of Education. He was appointed to a statewide task force on teacher education and certification in the late 1970s.

In 1980, he was appointed to the Board of Trustees for SUNY during which time he served as a vice chairman. Following 19 years of service on the SUNY Board, he was elected to the New York State Board of Regents in 1999 where he oversees Kindergarten through 12th grade education, higher learning and professional practices. Re-elected in 2004, Mr. Gardner will remain a Regent until 2009.

Mr. Gardner's commitment to community service extends to his membership on the Board of Governors of the Hebrew Union College-Jewish Institute and the National Council of the American Jewish Committee where he served as National Vice President. He is also a Trustee of the New York State Archives Partnership Trust and previously served as a

member of the New York State Holocaust Memorial Commission. He was recognized in 1997 with the Meritorious Service Award from the New York State NAACP, and in 1988, he and his wife, attorney Sue Gardner, were honored by the National Conference of Christians and Jews.

Now, a senior partner at the Kavinoky Cook law firm, where he joined after he graduated from Harvard Law in 1953, Mr. Gardner continues to find a balance between his passion for both law and education. In addition to being regarded as one of the best corporate lawyers in the nation, he remains as a pioneer in advancing educational issues in Buffalo and New York State.

Mr. Speaker, Mr. Gardner provides us all with a model of how our convictions can extend into all facets of our lives—our career, family, community. A Life magazine article about Harvard Law School inspired Mr. Gardner to follow his dream of becoming a lawyer, but he didn't lose sight of his other passions—a passion for education and community service. On behalf of the Western New York community, I would like to congratulate Mr. Gardner and extend our best wishes to him and his entire family, for this outstanding achievement.

# DEEP OCEAN ENERGY RESOURCES ACT OF 2006

SPEECH OF

## HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 29, 2006*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 4761.

Our country is facing a painful energy crisis as a result of the policies of this Administration and Congressional Leadership. The price of oil is as high as it has ever been, and the people in my district in North Carolina are suffering from these high energy prices. The American people desperately need effective new energy policies, but H.R. 4761 is simply more of the same failed solutions from the Republican majority in this body.

This legislation would override provisions in my State of North Carolina against offshore drilling, and eliminate a long-standing national moratorium on coastal drilling. I have never supported drilling off the Outer Continental Shelf that could threaten North Carolina's pristine beaches.

Instead of finding new solutions to our energy crisis, such as passing biofuels legislation that would encourage our farmers to grow our own fuel here at home, the Republican leadership chooses to put at risk the places all Americans hold dear.

Mr. Chairman, I will vote against H.R. 4761, and I urge my colleagues to vote against this bill.

CONGRATULATING COLONEL ELLIS  
AS HE IS HONORED BY THE  
TOBYHANNA ARMY DEPOT OF  
MONROE COUNTY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to COL Tracy L. Ellis, who has commanded the Tobyhanna Army Depot in Monroe County, Pennsylvania, from July 31, 2003 to July 20, 2006, when he will turn over command to COL Ronald Alberto.

The Tobyhanna Army Depot is the Nation's largest repair station for military communications equipment and weapons targeting systems. It employs more than 3,000 people and circulates more than \$450 million each year to the local economy.

Under Colonel Ellis' command, mission workload surged by 40 percent between 2003 and 2004 and 60 percent between 2003 and 2005. The depot effectively incorporated hundreds of new employees to meet the expanded workload.

The depot also expanded maintenance support of other critical systems including aircraft survivability equipment, aircrew survival radios, secure communications equipment, air defense and air traffic control, landing systems and tactical satellite communications systems.

Tobyhanna Army Depot effectively prepared for the 2005 Base Realignment and Closure process, and will gain new missions from two other installations as a result.

During his command tour, Colonel Ellis added to Tobyhanna's environmental stewardship, winning the Secretary of the Army Environmental Quality Award in both 2004 and 2005. The 2005 award recognized the depot for pollution prevention in the industrial installation category for recycling more than 40 percent of the solid waste generated annually.

The depot's special employment programs earned further recognition with receipt of the 2003 Army Disability Program of the Year Award.

Colonel Ellis also directed that the depot's Army Community Services program allot its limited resources to provide maximum assistance to the large National Guard and Reserve population surrounding the installation. ACS has conducted many briefings for hundreds of families of military personnel before, during and after their deployments.

Colonel Ellis' command of Tobyhanna Army Depot is one marked by rapid increases in maintenance production, growth of depot employees, innovation and improvement in business and production management and sustained performance in environmental stewardship.

Mr. Speaker, please join me in congratulating Colonel Ellis on a job well done. His devotion to duty and country as well as his commitment to excellence have bolstered the already superb reputation of the Tobyhanna Army Depot as an indispensable resource for the American Armed Forces, and insured that the depot will remain a key element in the region's economic well-being.

THE BOOMERS HAVE ARRIVED—  
JIM GHIEMMETTI TURNING 60

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. GEORGE MILLER of California. Mr. Speaker, this Saturday night I will join the many friends of Jim Ghielmetti in celebrating an event that millions of Americans will share over the coming years. The baby boomers are turning 60, and there is nothing they can do about it. Jim's birthday is May 15th, but I think his wonderful wife Laurie wanted to give him a few months to adjust before he faced his many friends who will gather in San Francisco to wish him well. I share a May birthday but a year earlier so I had the pleasure of being ahead of Jim and the boomers.

It has now been almost 30 years since I was introduced to a young builder in my congressional district. Sid Lippow, our mutual friend who introduced us, said that he thought it was important for us to get to know one another. He said that we could give balance to each other and that we were the future of our professions, me in politics and Jim in homebuilding. But as Sid said, Jim was about building more than homes, he was building communities.

For these 30 years we have indeed added balance to one another. Most of the time after long debates over a wide range of issues, from endangered species, the future of Social Security, community planning, the right level of taxation, and so many other topics. We have argued about them in one another's homes, in restaurants and at the kids' soccer games. Through it all we have remained the best of friends.

Jim Ghielmetti has come a long way since those early days when he was learning his profession while working for Shapell Industries of Northern California. In 1983 he struck out on his own and founded Signature Properties. Today, under his leadership, the company has built more than 6,000 homes, with another 3,500 homes currently in the planning or design phases. Signature is well known throughout the greater Bay Area and Sacramento regions for its diverse product offerings in both urban and suburban settings, its commercial and mixed-use projects and its master-planned communities.

True to my first introduction to Jim, he was building more than houses. He has given an extraordinary amount of his time to making the Bay Area a better community. Since 1994, Jim Ghielmetti has focused on local transportation issues by chairing the Transportation Committee of the Tri-Valley Business Council. The Transportation Committee addresses such issues as toll roads, Bay Area Rapid Transit (BART) expansion to the Tri-Valley area and obtaining matching federal funds for expansion of Interstates 580 and 680.

For the last 5 years, Jim has served on the Board of Directors of the Bay Area Council. The Bay Area Council is an organization that aggressively addresses the challenges that affect the economic well-being and quality of life in the nine Bay Area counties. He also serves on the Executive Committee of the Policy Advisory Board for the Fisher Center for Real Estate and Urban Economics at the University of California, Berkeley. In 2000, Jim served on

the Governor's Commission for the 21st Century, a group charged with developing a blueprint for California to follow in addressing transportation, housing, environmental and other issues of the 21st century. In 2003, Jim was appointed to the California State Transportation Commission.

Jim Ghielmetti has been an outstanding citizen participant in the public policy debates in our region and in our State.

Homebuilding is what Jim Ghielmetti does, but his family tells us who he is. Jim and his wife Laurie, a very successful businesswoman in the design field, have been partners in life and in business. They have raised two great sons, Michael and Brian, and recently a grandson Matteo. Michael, specializing in creative urban infill, is working with Jim at Signature Properties, and Brian is in New York doing urban renovations. Jim and Laurie and all of us are very proud of them both.

These are just some of the reasons why so many of Jim's friends will be coming together to wish him a very happy birthday with so many more to come. This birthday may be a shock to Jim, but I can assure him that all of us are very glad that he has had these 60 years and wish him many more to come.

### THE VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. MILLENDER-McDONALD. Mr. Speaker, I am proud to be a sponsor of H.R. 9, "The Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006." This legislation compliments the historic Voting Rights Act of 1965, which is considered to be among the greatest legislative accomplishments in our nation's history. Often referred to as the "Crown Jewel" of America's civil rights laws, the Act memorializes those who marched, struggled and even died to secure the right for all Americans to vote.

The Voting Rights Act of 1965 passed just months after the historic Selma to Montgomery march and remains a lasting achievement of the Civil Rights movement. It helped to change the face of Southern politics in ways we could hardly imagine. In Alabama, in the space of only one year after the Act became law, black voter registration practically doubled from 116,000 in August 1965 to 228,000 in August, 1966. By 1990, there were more than 7,300 black elected officials nationwide, including the governor of Virginia. The Act produced black Members of Congress from Alabama, Florida and North Carolina for the first time since Reconstruction. Rural black voters in Georgia and Louisiana sent black representatives to Congress as well.

One of the more meaningful provisions of the Act called for the placement of federal referees and monitors in counties with a clear practice of disenfranchisement. There were and still are subtle tools to discourage blacks, other minorities and poor people from voting. Local political establishments still use many of the same tactics: annexation ineligibility; purging voter lists; relocating polling places; the

use of official government issued voter-ID cards and raising residency requirements. These are some of the discriminating practices that undermine the impact of black and other minority voters in particular.

As the Ranking Member of the Committee on House Administration which oversees Federal elections, I applaud the substantial progress that has been made in the area of voting rights through the 1965 Voting Rights Act. However, I also know that we must continue our efforts to protect the rights of every American Voter. This can be achieved through the reauthorization and restoration of the expiring provisions of this vital law.

Chief among the expiring provisions is Section 5, which requires that any change to voting rules in covered jurisdictions be submitted to either the United States Department of Justice or the United States District Court for the District of Columbia for "preclearance" before it can take effect. Through Section 5, the Voting Rights Act has prevented thousands of discriminatory voting changes from undermining minority voters' access to the ballot.

H.R. 9 will also extend Section 203, the language minority protection of the Act. This provision requires jurisdictions that fall under the purview of the law to make all election information that is available in English available in the local minority language. Thus, all citizens will have a fundamental right and opportunity to register, learn the details of the elections and cast a free vote. During hearings, House Members received substantial evidence from advocacy groups and the Department of Justice that language minorities remain the victims of discrimination in voting.

There is no more fundamental right than the right to vote. For nearly a century many Americans were denied this fundamental right of citizenship. We must continue our efforts to protect the rights of every American voter with the reauthorization and restoration of the expiring provisions of the Act. H.R. 9 will renew and strengthen the Voting Rights Act for another twenty-five years.

A vote for this important legislation will send a resounding positive message to the next generation and generations of Americans to come. I urge its passage.

#### THE RESTORATION, PRESERVATION AND RENEWAL OF THE "CHARLES W. MORGAN"

**HON. ROB SIMMONS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. SIMMONS. Mr. Speaker, I rise to today to talk about the *Charles W. Morgan*—built in 1841 and designated a National Historic Landmark in 1966—she is the only surviving wooden, square-rigged commercial vessel still remaining from the Nation's great age of sail. The *Morgan* is a treasured symbol of America and Connecticut, and the cornerstone of Mystic Seaport's collection. The *Morgan* is an icon of an industry that fueled the early American economy.

After her whaling days ended in 1921, the *Morgan* was preserved and exhibited in South Dartmouth, Massachusetts, until 1941 when she came to Mystic Seaport. Today, the *Charles W. Morgan* dominates the Museum's

waterfront. Preserved afloat in her natural element, much as she appeared during her active whaling career, the *Morgan* is a featured part of the Mystic Seaport visitor experience. Through the years millions of visitors have climbed onboard the *Morgan* to experience, first-hand, the living and working environment of a large 19th-century wooden whaling vessel.

On Saturday, July 15, I will visit Mystic Seaport to help celebrate the restoration, preservation and renewal of the *Charles W. Morgan*. A program of restoration and preservation on the *Morgan* began in 1968 and continues to the present day. The *Charles W. Morgan's* past restoration at the Henry B. duPont Preservation Shipyard at Mystic Seaport helped define the standards of maritime preservation and historic vessel documentation as practiced today, worldwide. This preservation work has been recognized with numerous accolades, including the Advisory Council on Historic Preservation's National Historic Preservation Award in 1992 and the World Ship Trust Millennium International Maritime Heritage Award in 2000. The *Morgan* was also included on the Connecticut Freedom Trail in 1997.

Substantial restoration work is underway to ensure the *Morgan's* survival as an authentic 19th-century wooden vessel. The next phase of the *Morgan's* restoration will focus on an eight-foot band around the vessel's waterline. Mystic Seaport estimates that this 2½ year project will address the *Charles W. Morgan's* major structural needs for the next 20 years.

As my colleagues from Mississippi and gulf coast region may be aware, Mystic Seaport's Preservation Shipyard and the *Charles W. Morgan* have made national headlines recently due to the Museum's efforts to salvage live oak from the devastated Gulf Coast region. Residents of four coastal Mississippi cities can take some comfort from knowing that centuries-old trees uprooted during the storm will be used to restore the *Morgan's* frame, backbone, and stem and stem posts. By helping to keep the *Morgan* "alive" for future generations, these extraordinary trees will continue to touch the minds and hearts of Museum visitors, perhaps for centuries to come.

As many of you may know, Mystic Seaport—the Museum of America and the Sea is a leading national center for maritime research and education, with over 18,500 members and 1,500 volunteers. On average 300,000 people visit Mystic Seaport each year, and over 1.4 million more access the Museum's resources electronically via the Web site, [www.mysticseaport.org](http://www.mysticseaport.org). The Museum is the nation's fourth largest history museum and is considered to be one of the finest maritime museums in the world. Seventeen waterfront acres are devoted to floating exhibits, exhibition galleries, demonstrations, and educational programming. The Museum's facilities include a 19th century New England coastal village, a new 41,000 square-foot Collections Research Center, a 70,000-volume research library, a planetarium, four national historic landmark vessels, and a working preservation shipyard.

The *Charles W. Morgan* is being restored "famously" at Mystic Seaport's preservation shipyard, and I am honored to help Mystic Seaport celebrate the restoration and preservation of *Charles W. Morgan*, now in its 3rd century under sail.

#### RAIL SECURITY

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, Madrid, London, Mumbai. Everywhere in the world, people are aware of the threats that terrorism poses to mass transit systems. Everywhere, it seems, except for the United States.

Everyday 11.3 million Americans use passenger rail and mass transit. Our Nation depends on these networks to get us to work, to school, to the doctor, to back home. The networks are open and far reaching and, like other mass transit systems around the world, exceedingly vulnerable to terrorist attack.

Despite these facts, and the evidence of recent history, the Department of Homeland Security's transportation initiatives have been almost solely focused on aviation, ignoring all other modes of transportation.

The President's budget request for fiscal year 2007 only allocated \$37.2 million in the Transportation Security Administration (TSA) budget for non-aviation transportation security—less than 1 percent of the TSA budget.

In addition, between fiscal years 2003 through 2006, the Department of Homeland Security has only distributed about \$387 million for rail and mass transit security grants.

These resources are not nearly enough to address the security vulnerabilities in the rail and mass transit networks.

I, along with my Democratic colleagues, have been urging the Republican majority and the administration to focus on the threats to rail and mass transit for years, but no real progress has been made.

This is very similar to the years that we spent urging action on Port Security, but nothing was done until the Dubai Ports business deal came to light.

Unfortunately on the rail and mass transit front we have had plenty of warnings about security vulnerabilities.

We have seen the tragic and horrifying attacks on rail and mass transit systems in Madrid, London, and now Mumbai, and yet the administration and the Republican leadership still have not taken any steps to secure our Nation's rail and mass transit systems.

What are we waiting for? A suicide bomber on the subway system in New York? A dirty bomb on the DC Metro? Shouldn't we make rail and mass transit security a priority before we get attacked?

Next week the Committee on Homeland Security will consider an authorization bill for the Department of Homeland Security, and I urge my Republican colleagues to support the strong rail and mass transit security provisions and adequate funding levels that Homeland Security Democrats will be offering to the bill.

We need to require the Department of Homeland Security to develop a thorough national rail and public transportation plan to clarify the Federal, State, and local roles and responsibilities in security these systems.

An emphasis must be placed on strengthening intelligence sharing, public outreach and education initiatives, and how to resume operations after an attack.

We also must require the development of area rail and public transportation plans to



strengthen security planning in regions with more than one rail or public transportation entity, and to ensure the coordination of their security measures.

In addition, rail and public transportation systems need to train their employees on how to prevent, prepare for and respond to a terrorist attack, and conduct exercises to test the preparedness of the transportation systems.

These initiatives are critical and need to be enacted, but we must provide adequate resources for these programs to avoid forcing yet another unfunded Federal mandate on State and local governments.

I urge my colleagues to consider these important proposals to improve rail and mass transit authority.

We must not wait any longer to enact real rail and mass transit security measures. The safety and security of Americans depend on it.

#### PERSONAL EXPLANATION

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, July 11, 2006. As a result, I was not recorded for rollcall votes Nos. 360, 361, 362 and 363. Had I been present, I would have voted "aye" on rollcall Nos. 360, 361, 362 and 363.

#### VOTING RIGHTS AND THE POLITICS OF EXCLUSION

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. RANGEL. Mr. Speaker, I rise again to address the importance of the renewal of the language assistance provisions of the Voting Rights Act of 1965.

Our Nation's growing Hispanic population is gradually becoming important in the political arena with the increased involvement of second and third generation Latinos. The number of naturalized citizens has also increased over the years. All these Americans, whether native-born or naturalized have an equal right to vote. English-only policies are subtle mechanisms that deny American citizens their constitutional right to vote. America is supposed to be a country of freedom, of democracy.

Naturalized non-English speaking citizens must endure long waiting periods to enroll in English as a Second Language (ESL) literacy centers, whose numbers are scarce due to lack of funding. In New York State, the wait lists were so long, the State decided to establish a lottery system instead. How can we ask for English-only policies when we do not have the requisite infrastructure in place to teach English to our citizens, let alone enable them to comprehend the complex ballots? Why should we obstruct their ability to exercise their right to vote?

My colleagues on the other side of the aisle are forgetting that English is not an easy language to learn. The Republican Party is alienating a large voting population and running the

risk of aligning ethnic politics for years to come against them. President Bush has always urged his party to engage Hispanic voters to keep Democrats in the minority. He is advocating for inclusionary politics. But his efforts are being severely undermined by the hard-line politics of an overwhelming number of conservative Republicans.

I emphasize again the importance of the language issues in H.R. 9 which must be resolved in favor of greater inclusion and assistance for language minorities in the extension of the Voting Rights Act.

Mr. Speaker, I request that the article titled "House May Chill Bush's Wooing of Latino Voters," by Charles Babington, published on June 30, 2006 in the Washington Post, be entered into the CONGRESSIONAL RECORD.

HOUSE MAY CHILL BUSH'S WOOING OF LATINO VOTERS

(By Charles Babington)

By pushing English-only policies and tough measures against illegal immigrants, House conservatives are endangering President Bush's goal of drawing millions of Latino voters to the Republican Party and helping realign ethnic politics for years to come, according to an array of analysts and officials.

The latest blow to Bush's efforts to woo Hispanics came last week, when a band of House Republicans unexpectedly balked at renewing the 1965 Voting Rights Act, partly because of a 30-year-old requirement that many local governments provide bilingual ballots. The revolt, which forced House GOP leaders to abruptly postpone a vote, came as House Republicans are stiffening their resistance to Bush's bid to allow pathways to legal status for millions of illegal immigrants while also strengthening borders and deportation efforts.

"It's sort of a double whammy," said Sen. Mel Martinez (R-Fla.), a Cuban native who is among the GOP's most visible Hispanic leaders. Under Bush's leadership, he said in an interview, "our party has shown a very welcoming approach to the emerging Hispanic vote." However, he said, "there obviously are those who feel that's not important. . . . I think there could be great political risks to becoming the party of exclusion and not a party of inclusion."

While the stalemate over immigration legislation will be difficult to break, House leaders predict they eventually will quell the conservative rebellion over the Voting Rights Act and reauthorize the law for 25 years.

But the depth of House GOP support for English-only policies was demonstrated Wednesday night, when an overwhelming majority of Republicans voted to end funding for the bilingual ballots provision. The effort, led by Rep. Cliff Stearns (R-Fla.), failed only because 192 Democrats joined 61 Republicans to vote against it.

The actions have embarrassed the White House and inflamed many Latinos.

"It's offensive and insulting," said Cecilia Muñoz, vice president for policy for the National Council of La Raza, the nation's largest Latino civil rights and advocacy group. She said the national Republican Party is running "a real risk" of replicating the blunder that began unraveling the California GOP in 1994.

That's when then-Gov. Pete Wilson (R) backed a ballot initiative barring illegal immigrants from attending public schools or receiving social services. The ensuing uproar drove hundreds of thousands of Latino voters into Democrats' arms. The state has backed Democratic presidential and senatorial nominees ever since.

"That is exactly the danger that is facing Republicans today," Munoz said. She praised

Bush, Republican National Committee Chairman Ken Mehlman and others who "know that immigrant-bashing is disastrous to the future of their party—and they're right."

Peter Zamora, legislative attorney for the Mexican American Legal Defense and Educational Fund, said he believes that House leaders will manage to salvage the Voting Rights Act renewal. However, he said, "it will be a political challenge to explain tabling the Voting Rights Act to the Latino community if action isn't taken very soon."

Both parties are energetically courting the nation's burgeoning Hispanic population, which will become increasingly important as more second- and third-generation Latinos get involved in politics, and as more immigrants attain citizenship and the right to vote.

Most Latino voters lean Democratic, but Republicans have long felt they can chip away at that advantage. Bush—who has advocated social services and pathways to legal status for illegal immigrants since he was governor of Texas—took 40 percent of the Hispanic vote in 2004 after winning 34 percent in 2000, according to exit polls. In league with Mehlman, political adviser Karl Rove and others, Bush has urged his party to pursue Latino voters in numbers that could help keep Democrats in the minority for decades.

But some GOP activists say the drive is being undermined by the Republican-controlled House's tough stance on immigration and the flap over voting rights.

Many Southern House Republicans have long objected to the Voting Rights Act's requirement that their states obtain Justice Department approval for an array of voting activities. Last week, in a closed GOP caucus meeting, they were joined by colleagues from throughout the country who object to a measure added in 1975 that requires ballots or interpreters to be available in a number of foreign languages in places where census reports found a need for language help.

"Multilingual ballots divide our country, increase the risk of voter error and fraud, and burden local taxpayers," said a letter signed by nearly 80 House Republicans and authored by Rep. Steve King (R-Iowa).

The 2000 Census found that nearly 41 percent of all Hispanic persons 5 years and older spoke English less than "very well," and those eligible to vote needed language assistance.

John Bueno, a Republican from Michigan, is president of the National Association of Latino Elected and Appointed Officials, which was meeting in Dallas last week when news of the voting rights flap broke. "My first reaction was, 'My God, here we are, it's 2006, and we're still dealing with this issue,'" Bueno said. "Mainstream Republicans are frustrated right now with what's going on in Congress."

Latino Democrats, meanwhile, can hardly believe how Bush's overtures are being thwarted by his own party. By stressing English-only policies and stumbling on the immigration and Voting Rights Act issues, congressional Republicans "either made the best case for switching the Congress from Republican to Democratic control, or they made the best case for their own incompetence," said Pedro Colon, a Wisconsin legislator who attended the Dallas convention. "As a Democrat, I'm really optimistic about our opportunities."

REGARDING THE RECENT ATTACKS IN LEBANON BY THE TERRORIST GROUP HEZBOLLAH

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to condemn yesterday's brutal attack by a terrorist group on Israel, which took the lives of eight Israeli Defense Forces soldiers and captured two others, on the Israel-Lebanon border.

The actions of the terrorist organization, Hezbollah, against Israel are unconscionable. Instead of working towards peace, Hezbollah has chosen to perpetuate the violence. Terrorist attacks such as these are cowardly actions that resolve nothing. From the South, Israel has been attacked by the terrorist organization Hamas with Kassam rockets and had one of her soldiers kidnapped. Hezbollah's current terrorist assault from the North does not further any legitimate peace process. The timing of these aggressions only serves to enhance the existing tensions in the region.

Israel has complied with the U.N. charter and has completely withdrawn from Lebanon since May 2000. Now it is time for the Lebanese government to abide by the U.N.'s rules. In refusing to disarm Hezbollah as required by U.N. Resolution 1559, the Lebanese government is choosing to openly ignore the decree of the international body.

I call upon Lebanese Prime Minister Fouad Siniora to accept responsibility and take immediate action against the terrorist group which Lebanon harbors.

Let us not be misled into believing these attacks arise from a single source. The terrorist organizations, Hezbollah and Hamas, are unquestionably sponsored and guided by the Iranian and Syrian governments. The United States Congress must not allow the Iranian government to use bloodshed as a deflecting tactic against U.S. attention from their unrestricted nuclear program. The Syrian and Iranian governments should be condemned along with the terrorist groups they harbor.

In response to these brutal attacks by terrorists, Israel must have the right to defend herself. Like the United States and other sovereign nations, Israel is justified in reestablishing its deterrent posture.

I express my condolences to the families of the attacked soldiers, and offer a prayer for the safe return of the two kidnapped soldiers from the Lebanon border and the soldier kidnapped in Gaza. I pray for the ultimate end of the cycle of violence in the Middle East.

HONORING THE VETERANS OF PEARL HARBOR

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. MICA. Mr. Speaker, on July 14–16, the Pearl Harbor Survivors Association and the Sons and Daughters of Pearl Harbor Survivors will commence the Sixth District Convention in St. Augustine, Florida to remember those who served at Pearl Harbor on December 7, 1941.

We welcome participants to Florida's Seventh Congressional District and wish them well as they gather in America's oldest city.

It is my privilege to honor the valor and sacrifice of those Pearl Harbor veterans from the State of Florida who recently passed away:

Allfrey, Lesley F.; Altner, Louis I.; Belisle, Frank E.; Benning, Bernard F.; Bernhard, Stephen W.; Brown, Melvin W.; Capra, Everest W.; Cardonell, Robert R.; Childers, James F.; Chilton, Harry C.; Chrastina, William; Cohen, Leon; Cook, Harold F. (Sarge); DeStwolinska, Adelbert; Forbis, Colbert F.; Freeman, Albert H.; Grabowski, Edward S.; Haas, Frank; Hallsman, Eldred E.; Hartley, Charles W.; Henner, Joseph E.; Henry, Robert; Hiedeman, Henry R.; Hull, Burton W.; Kearns, Joseph F.; Kennedy, Earl; Krakowski, Joseph H.; Lightkep, George R.; Loun, Jasper J., Jr.; Martin, Curtis C.; McClintock, Robert, Jr.; Miller, Howard C.; Payne, Donald; Restiva, Anthony Bilano; Rhodes, Clarence G.; Savage, Norman F.; Schnurman, John D.; Smart, Raymond; Smith, Billie J.; Spradley, Lester L.; Stephenson, Joseph, Jr.; Ulrich, Jack; Whetstone, Amos C.; Williams, Wallace R.; Wilson, George; Wright, Ralph; Young, Edward F., Jr.; and Zelenock, John P.

I know I join all those in attendance at the convention and countless Americans who continue to recognize their heroism and their families incredible sacrifice to our Nation.

DEPUTY MAYOR WALCOTT CELEBRATES CARIBBEAN HERITAGE WEEK

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to commend Dennis Walcott, New York City's Deputy Mayor for Education and Community Development for enthusiastically joining the Caribbean Tourism Organization (CTO) and envoys from Grenada, Guyana, and Trinidad and Tobago in celebrating the Caribbean Week.

I was a co-sponsor of the recent bill (H. Con. Res. 51) that declared the month of June as the Caribbean Heritage Month in order to recognize and applaud the contributions of the Caribbean-American communities to the United States. I have participated in celebratory activities in the said communities, including those in my district, such as parades, carnivals and festivals to commemorate this month and present an opportunity to explore the diversity within the Islands.

Mr. Walcott has joined me in this celebration. A celebrity cricket match, a Caribbean Gospelfest, Town Hall meetings featuring Ministers of tourism from the region, a Caribbean Fair at South Street Seaport, and cooking demonstrations by some of the region's top chefs has taken the city by storm. Mr. Walcott, who traces his origin to the islands of Barbados and St. Croix, envisions a win-win tourism relationship between the Islands and New York City, as well as the Nation.

Mr. Speaker I wish to enter into the RECORD, the article from the June 27, 2006 edition of The New York Carib News, titled Deputy Mayor Walcott Embraces Caribbean Week.

DEPUTY MAYOR WALCOTT EMBRACES CARIBBEAN WEEK

NEW YORK.—According to Dennis Walcott, New York City's Deputy Mayor for Education and Community Development, the recent Caribbean Week in New York, staged by the Caribbean Tourism Organization (CTO), is deeply important to the City of New York and people and nations of the Caribbean.

Walcott underscored the importance of the Diaspora to the City, and said Caribbean Week is a reinforcement of his personal roots as well as a reminder of the importance of the Caribbean here. Walcott, who traces his roots to the islands of Barbados and St. Croix, said Caribbean-Americans are key players in the running of New York City.

Caribbean Week presents an opportunity for people to understand the diversity of the Caribbean, and according to Walcott appreciate the various countries that are part of the Diaspora of the Caribbean. The Deputy Mayor envisions a win-win tourism relationship between the City of New York and CTO member nations.

A celebrity cricket match, a Caribbean Gospelfest, Town Hall meetings featuring Ministers of Tourism from the region, a Caribbean Fair at the South Street Seaport, the popular Media Marketplace and cooking demonstrations with some of the region's top chefs, were some of the exciting events that took the City by storm during Caribbean Week in New York.

Addressing a town hall meeting at Medgar Evers College in the borough of Brooklyn, Ministers of Tourism from Grenada, Guyana and Trinidad and Tobago told the audience about the importance of tourism to their respective economies, and updated nationals on crime fighting strategies in their territories.

Minister Brenda Hood unveiled plans to work with the VFR (Visiting Friends and Relatives) market, and pledged her commitment to review proposals from the Diaspora media and communications community to promote Grenada, Carriacou and Petite Martinique in the marketplace.

CONGRATULATING DECLARA NIXON BAILEY ON HER 100TH BIRTHDAY

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to commend DeClara Nixon Bailey on her one-hundredth birthday. Born on August 13, 1906 in Midway, Texas, Mrs. Bailey has contributed an entire lifetime to serving her fellow Texans.

While in Midway, Texas, Mrs. Bailey was an elementary school teacher. By balancing a life of career and family, she stood as an exemplary female representative and role model, in an otherwise male dominated society. Her passion to serve the community and her constant strive towards meritocracy is an example for us all.

In 1954, Mrs. Bailey moved to the greater Dallas area where she volunteered her time to mentally challenged students at the John Neely Bryan Elementary School.

In the 1960's, Mrs. Bailey's devotion to assisting the disadvantaged allowed her to become Volunteer Captain for the American Heart Association in Dallas. Her amazing ambition drove her to also volunteer her time at the Dallas Family Hospital.

Mr. Speaker, I am delighted to congratulate Mrs. DeClara Nixon Bailey on this auspicious occasion for a lifetime of magnificent accomplishments.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES TO THE VICTIMS, THEIR FAMILIES AND FRIENDS, AND THE PEOPLE OF INDIA FOR THE LOSS SUFFERED DURING THE TERRORIST ATTACKS IN MUMBAI, INDIA, ON JULY 11, 2006

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to condemn the barbaric acts of terrorism that occurred yesterday in Mumbai, India and to introduce a resolution regarding this tragedy.

Innocent civilians were traveling on commuter trains during rush hour and seven deadly blasts took their lives. More than 200 were killed and 700 were injured. These appalling blasts created horror, chaos and mayhem in Mumbai, a city of 16 million people.

I've traveled to India four times and each time has been an awakening experience. When traveling in India, I realized the vivacity of the culture and the people.

I would like to take this time to reach out to my Indian-American constituents in the 23rd District of Florida. I am deeply concerned for your loved ones back in your native land. I am praying for you and your family and hope the recovery is quick and steady.

The country of India was founded on the principle of nonviolence and it continues in the international fight against terrorism. I believe anyone who would want to inflict pain and terror onto the people of India should be denounced and prosecuted.

Upon finding out about the blasts in Mumbai yesterday, I immediately felt sorrow. I was reminded of how our nation felt after 9/11 and how India was amongst the first nations to express its condolences to the U.S. following the attacks. On behalf of the United States House of Representatives, I wish to express my condolences to the Government of India and her people. We stand with you today, we stood with you yesterday, and we will stand with you throughout the fight against terrorism.

I urge my colleagues to quickly pass this resolution.

HONORING THE SERVICE OF DR. ASSAD KOTAITE

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. MICA. Mr. Speaker, this August, The International Civil Aviation Organization will bid farewell to Dr. Assad Kotaite, who has served as its Council President for past 30 years.

The International Civil Aviation Organization, ICAO, is the United Nations agency responsible for setting the international standards of safety, efficiency and security for civil aviation.

Created in 1944 by 52 nations, its member States now total 189, all rallying behind one mission—ensuring the highest possible degree of safety and efficiency.

For the last three decades, one man has lead ICAO to unprecedented breakthroughs in aviation safety, Dr. Assad Kotaite. After 53 years of service to aviation, he is retiring from ICAO.

Dr. Kotaite and his wife, Monique, are in Washington, DC, this week. He is being honored by the community that has benefited from his expertise—the Departments of State and Transportation, the Federal Aviation Administration, the Transportation Security Administration, as well as the aviation industry.

Dr. Kotaite has earned immeasurable respect during his years at ICAO—first as Lebanon's representative on the Legal Committee, then as Secretary General, and for the last 30 years, President of the ICAO Council.

During this time, he has successfully dealt with a variety of challenges, both political and technical.

Time after time, he brought people together and negotiated a consensus on the most difficult questions debated in the ICAO Council.

His work can be found on some of ICAO's most pressing issues, including a multilateral agreement that yielded the North Pacific route system, the agreement on FIR boundaries in the Black Sea area, resolution of problems associated with the Dakar oceanic FIR and a compromise on transit problems between Cuba and the United States.

Dr. Kotaite was once asked what it was like to bring the divide between groups that didn't see eye to eye. He said:

Indeed, over the years, I have learned that the real secret in any negotiation is to first identify an area of common ground, no matter how small, and then to build upon it. It may not be the ideal solution, but at least it is workable and acceptable to all. Moreover, in international affairs, I firmly believe that one should avoid confrontation at all costs. It is essential that one listens to all parties and takes into consideration their point of view.

Perhaps his greatest legacy will be safety. Dr. Kotaite presided over the birth of the ICAO safety oversight program. Not content there, he then supported and encouraged the expansion of the Universal Safety Oversight Audit Programme to include all safety related annex provisions. And finally, at a recent meeting of the Directors General of Civil Aviation held in March of 2006, he worked behind the scenes to gain acceptance of the public availability of the findings of the safety audit—all within a ten year period—equivalent to the speed of light in international relations.

The traveling public owes a great debt of gratitude to this international civil servant for his dedication to aviation. I am pleased to recognize Dr. Kotaite for his accomplishments and contribution to aviation and I congratulate him on his distinguished career.

THE UNITED NATION'S INVALUABLE ROLE IN A POSSIBLE RESOLUTION TO IRAQ

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to remind my colleagues about the importance of

the role of the much maligned United Nations. As Richard Holbrooke, a former U.S. Ambassador to the U.N. wrote in a column which appeared in the Washington Post on June 28, 2006 that the United Nations still serves U.S. foreign policy interests. It is imperative that the U.S. supports and asserts leadership on the issues before the U.N.

On June 15, 2006, two days after he returned from Iraq, President Bush sent two personal emissaries (Philip Zelikow, the counselor of the State Department, and the Deputy Treasury Secretary Robert Kimmitt) to meet with U.N. Secretary General Kofi Annan and his deputy Mark Malloch Brown to discuss the coming introduction of the Iraq Compact, which requires the Iraqi government to implement a series of economic and political reforms in exchange for increased international aid. This meeting received surprisingly little public attention. Perhaps there is something in Mr. Brown's allegation that U.N. achievements are downplayed in America.

President Bush requested Mr. Annan's assistance in organizing international meetings that would lead to this agreement. On the same day, Iraqi Prime Minister Nouri al-Maliki called Mr. Annan to make an identical request, a further confirmation that the U.S. needs the United Nations.

The U.N. has been treated carelessly by the current administration. The U.N. is facing a major budgetary crisis due to (mainly) U.S.'s insistence on a six-month budget cycle, as opposed to a two-year one. Congress is deadlocked on the issue of allocating funds to rebuild the U.N. headquarters complex in New York. The U.N. signature building, the 38-story East River office tower, is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. Yet the Department of Homeland Security has just cut New York's anti-terror fund nearly by half claiming that the security infrastructure in New York is firmly in place. If that is so, then why does the Secret Service close down FDR Drive that runs beneath the U.N. building every time there is a Presidential visit?

Mr. Speaker, I hope that our asking for help in resolving the Iraq question is the first of many issues on which we will work with the United Nations instead of undermining its position. Mr. Brown has already agreed to travel to Baghdad for preliminary meetings that will culminate in a high-level multilateral conference in the region later this year.

Our lesson is clear. We need the United Nations. Instead of weakening the U.N., we should strengthen it. A strong active United Nations would be invaluable in representing U.S. foreign policy interests abroad as well as resolving conflicts and leading negotiations in regions like Iran, Darfur, Afghanistan, Kosovo, etc.

Ladies and Gentlemen of the Congress, I rise to enter into the RECORD, the opinion-editorial titled Turning to the U.N., Again, by Richard Holbrooke, published on June 28, 2006 in the Washington Post.

TURNING TO THE U.N., AGAIN  
(By Richard Holbrooke)

In a little-noticed announcement in President Bush's news conference on June 14, the day he returned from Iraq, he said that he would send two personal emissaries to New York to consult with U.N. Secretary General Kofi Annan on the political and economic future of Iraq. The next day, still with remarkably little public attention, Philip Zelikow,

the counselor of the State Department, and Deputy Treasury Secretary Robert Kimmitt met with Annan and his deputy, Mark Malloch Brown, at the secretary general's Sutton Place residence. There was no one else present.

The two presidential envoys asked Annan to use his unique "convening powers" to help organize international meetings that would lead (by this fall, the Americans hope) to the unveiling of a new "Iraq Compact"—an agreement between the Iraqi government and major international donors that would commit Baghdad to a series of political and economic reforms in return for substantially more international aid. (Iraqi Prime Minister Nouri al-Maliki called Annan the same day to make an identical request.)

This is a good idea—and quite similar to suggestions from many administration critics. With the battle for Baghdad raging, it remains to be seen whether an Iraq Compact will work—or even get off the ground—but it is certainly an important step in the right direction for Iraq and for American policy.

For Annan and the United Nations, Bush's request poses an ironic and difficult challenge. On the one hand, the administration is asking for help on the worst problem it faces, acknowledging, however belatedly and reluctantly, that once again, the United Nations is not only relevant but at times indispensable to the United States. On the other hand, the resentment among the majority of U.N. member states over the way the institution has been treated recently, especially by Washington's current U.N. ambassador, makes any effort to get the United Nations to help the United States far more difficult.

How to treat the United Nations has been a particular dilemma for President Bush, since opponents of the organization form an important part of the administration's core constituency. Internal disagreements over the past five years about whether to support it or abandon it, to use it or bypass it, have both weakened the organization and led to reduced U.S. influence even as more and more intractable issues are thrown into its hands.

The United Nations is facing major budgetary problems caused primarily by American insistence on a six-month budget cycle instead of the normal two-year cycle. It must deal with growing shortfalls in the U.S. contribution to peacekeeping funding, despite Washington's calls for more peacekeepers in Darfur and elsewhere. And it is confronted by a deadlock over rebuilding the headquarters complex in New York—a deadlock whose main cause is the administration's failure to push Congress for proper funding. (This is particularly difficult to understand, since the U.N. signature building, its 38-story East River office tower—built in 1950 and never subject to modern safety codes—is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. For example, when the president visits it, the Secret Service closes down FDR Drive beneath it—but what about the rest of the time?)

Still, even though Annan and the world body have been diminished by Washington, he and his colleagues simply cannot refuse to help on the Iraq matter; it is their responsibility as international civil servants to go where the problems are worst and then to do their best. And, on the basis of private talks with Annan, Malloch Brown and administration officials, I have no doubt that they intend to do just that. In fact, Malloch Brown has already agreed to travel to Baghdad very soon for preliminary meetings that the United Nations and the United States hope will culminate later this year in a high-level conference in the region. As Annan moves into his last six months as secretary general,

this would be the right way to end a turbulent decade in that office—with a genuine contribution to the cause of peace in Iraq.

It is, however, impossible not to note the irony and the implications of what has happened in the past two weeks between Washington and the United Nations. Once again, an administration that has underfunded, undersupported and undermined the United Nations has turned to it, almost in desperation, for help.

The lesson should be clear: Despite the enormously self-destructive actions of many other member states, especially the group of developing nations called the G-77, the United Nations still serves U.S. foreign policy interests in many important ways. Not only Iraq but also Iran, Darfur, Afghanistan and the difficult negotiations just started over Kosovo's final status—all issues of vital importance to the United States—have now ended up in the United Nations. To weaken this institution further, as has happened in recent years, serves no clear American national security interest. To strengthen it would make it more valuable to the United States and to every nation that seeks conflict resolution, stability and economic progress. With the maneuvering over the selection of Annan's successor underway, it is time for Washington—and this must include Congress—to put behind it a sorry period of confusion and offer the United Nations more support, both financial and political, in return for the things it needs in Iraq and elsewhere.

#### PERSONAL EXPLANATION

**HON. CATHY McMORRIS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Miss McMORRIS. Mr. Speaker, due to circumstances beyond my control, I was unable to make votes Monday because of unexpected plane difficulties en route to Washington, DC. Had I been present, I would have voted "yea" on both H.R. 5061 as well as H.R. 2563.

#### A NEW KIND OF LAW IN A NEW KIND OF WAR

**HON. ROB SIMMONS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. SIMMONS. Mr. Speaker, I rise to submit for the RECORD a column that appeared in The New London Day on July 9. It was written by Glenn Sulmasy, an associate professor of law at the U.S. Coast Guard Academy and a noted expert on national security law. The title of the op-ed piece is "A New Kind of Law in a New Kind of War."

America is not at war with a traditional enemy, but a network of civilians who swear allegiance to radical Islam. Consequently, the various laws that have historically governed international conflicts do not seem to fit well with our current situation. Nevertheless, we have spent a lot of time discussing the present and future conditions of the combatants in our custody. In his column, Glenn Sulmasy offers a series of recommendations providing a framework for this important debate. He makes an especially compelling case for a National Security Court system.

America's critics do little more than attack the current system. While such criticism is important, it is not always constructive. We need to think of new ways to handle the detention and adjudication of enemy combatants.

In the book *In Time of War*, which details President Roosevelt's treatment of eight Nazi saboteurs in 1942, Pierce O'Donnell argues that our enemies "would forcibly impose their nihilistic, totalitarian ideology on society through violence and intimidation. That is precisely why this just struggle—characterized as a war on terror—should not be tainted by compromising our historic respect for justice, constitutional liberties and international law."

As we take steps to defend America from a terrorist threat, we cannot lose sight of the values we are defending. For this reason, I urge my colleagues to take a few minutes and read Glenn Sulmasy's column, which outlines a new kind of law for a new kind of war.

[From the New London Day, July 9, 2006]

GUANTANAMO BAY: NEW KIND OF LAW FOR  
NEW KIND OF WAR

(By Glenn Sulmasy)

Last week, in *Rumsfeld vs. Hamdan*, the Supreme Court decided that the military commissions for the jihadist detainees in Guantanamo Bay are not lawfully constructed. I disagree. However the realities of maintaining international support and ensuring domestic consensus on fighting the global war demands we look for alternatives for detaining and trying jihadists. Regardless of how the Court decided in *Hamdan*, the commissions have failed.

The Court has forced the opponents of military commissions to offer legitimate solutions. The best solution available is the creation of a National Security Court system.

The global war on terror has created ambiguities in both the laws of armed conflict and how best to fight this new war. The asymmetric threat of international terror, the lack of a clear national enemy, the problems with the military commissions in Guantanamo Bay, allegations of torture and the recent constitutional issues surrounding wiretap efforts of the National Security Agency all highlight the lack of an appropriate body of law to govern this new conflict. Nowhere is this ambiguity more evident than in the United States' handling of detainees.

The "enemies" in this war are men and women who fight not for a nation but for ideology, do not wear standard military uniforms and, as doctrine, flout the laws of war. These new "warriors" have created extreme difficulties since they are not conventional prisoners of war (regardless what the recent ruling has asserted) and thus (with all due respect to Justice John Paul Stevens) the Geneva Conventions simply do not apply to them. Adjudicating their status and crimes has become increasingly chaotic. It initially appeared that the military tribunals (currently referred to as military commissions by the Bush Administration) would provide the appropriate venue for handling the prosecution of the detainees. But now, over four years later, there has not been a completed prosecution. More than 500 detainees remain in Guantanamo Bay and supposedly another 450 are being held in Afghanistan.

As this problem grows, the U.S. needs a new approach. Our own federal courts system, the standard courts-martial system and other traditional methods, won't work. A healthy, bipartisan debate on "what" to do next is critical. This is a new war, one that mixes law enforcement and warfare, and does not fit neatly in either category.

A national security court apparatus needs to be legislated. As Congress begins to debate (as ordered by the Supreme Court) how to handle jihadists' violations of the laws of war, policymakers must achieve both the reality and appearance of justice.

Clearly, many issues need to be hammered out regarding the composition of the court.

The court would be a hybrid of the military commissions and our own federal trial system.

The jihadist would be afforded limited rights, including right to counsel and be detained and tried on military bases within the United States. The law would allow the death penalty. The hearings would be closed with the exception of observers from Human Rights Organizations (for example, Amnesty International, the International Red Cross and the U.N. Human Rights Watch.) The U.S. Department of Justice would provide prosecutors and administer over the program.

International concern over Guantanamo is detracting from our ability to provide guidance, counsel and policy in this and other arenas. A blue-ribbon commission, created by the president with bipartisan support from Congress, should immediately be formed to address questions as to proper detention, adjudication, intelligence gathering, terrorist surveillance and other legal issues associated with the threat of international terror.

The National Security Court, a natural outgrowth of the military commissions, affords an opportunity for U.S. policy makers to respond forcefully and effectively to calls for a way out of the Guantanamo issue.

The Hamdan decision has pushed us in this direction. The military commissions are no longer a viable option.

Rather than offering no solutions and merely attacking the existing structure, policy makers need to emerge with fresh ways to look at the proper detention and adjudication of the jihadists.

It is time to regain the initiative, and reaffirm our leadership in the humane prosecution of those who would undermine the ideals of democracy.

## A GASTRONOMIC ADVENTURE IN HARLEM

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to introduce an article titled *Moving On Up: In Harlem, A Renaissance in Food* by Cynthia Kilian into the RECORD. The article, published in the June 28, 2006 edition of the New York Post, celebrates the variety of restaurants and dining experiences available in Harlem.

Harlem is one of the foci of diversity in New York City. One only has to walk down the streets of Harlem to see this celebration of diversity. Nowhere else it is more evident than in the dining scene of Harlem.

Dinosaur Barbeque, the ribs joint on 131st St., West Harlem has been a big hit from the moment it opened on December 1, 2004. If we walk down a little farther, we arrive at Pier 2110 Seafood Restaurant, the new seafood place with a raw bar and lounge with ginseng drinks, that just opened next to the Harlem Lanes bowling alley. A little to the east on 121st St. and Frederick Douglass Boulevard lies Harlem Vintage, the sleek wine shop on 2235 Frederick Douglass Blvd., where a \$10 bottle of sauvignon blanc is as easy to come

by as a \$90 bottle of Brunello di Montalcino, caters to a variety of tastes.

Native at 118th St. and Lenox Ave. offers BLT salad to Moroccan fried chicken with collard greens and walnut sauce. Right around the corner is Ginger, known for its "organic" Chinese food. Harlem Tea Room, on 118th and Madison, is a perfect spot to enjoy poetry readings, music events and seminars while sipping one of their 22 kinds of tea with the eclectic menu of sandwiches and cakes. Further to the east, on 118th St. and 3rd Ave., is Creole, where alligator gumbo and crawfish etouffee is accompanied by nightly jazz from a changing roll call of artists.

The "New Harlem" with its assorted collection of bars and eateries is fast becoming the destination for the sophisticated palate and fine dining, along with maintaining the popularity of the neighborhood's stalwart Patsy's pizza, Copland's gospel brunch and Senegalese thiebou diene (fish stew).

My colleagues and I invite you to go on a gastronomic adventure in Harlem. And I am sure that I need not remind you that our immigrant communities take the credit for enriching the American culture by adding a variety of spices to the "melting pot."

MOVING ON UP: IN HARLEM, A RENAISSANCE IN FOOD

(By Cynthia Kilian)

JUNE 28, 2006.—No one can accuse 125th Street of subtlety. To walk across the Harlem thoroughfare is to submit to a barrage of music-blaring shops, barking street vendors and crowds. But head south on Frederick Douglass Boulevard, and a much different climate quickly emerges.

There's Harlem Vintage, a sleek wine shop filled with a large, of-the-moment international selection of bottles. A few more blocks down, patrons sip cocktails in the cool, woody comfort of Melba's, while just across the street, latte lovers tap on their laptops in an airy coffee-cum-eatery that—surprise—is not Starbucks.

Sure, we'd heard about Harlem's luxury condo market and coveted brownstones, and even a new crop of trendy clothing shops. But caviar bars and organic wines?

North of Central Park—and above 96th Street to the east—soul kitchens are being sidled up to by everything from organic Chinese food to moules frites that a waitress at a restaurant named Food says even Belgians seek out.

Not that the neighborhood's popular chicken and waffles and Senegalese thiebou diene (fish stew) are going anywhere. Neither are stalwarts Patsy's pizza and Copland's gospel brunch. They're just getting some company.

The latest buzz on one-two-five is Pier 2110 Seafood Restaurant, which just opened nearby last week. From the management of Manna's of Harlem and Brooklyn, it sports a snazzy lounge, raw bar and ginseng drinks.

As for ViVa—a k a Viaduct Valley—that's real-estate speak for the West Harlem area reportedly poised to spawn its own restaurant scene in the coming year near Dinosaur Bar-B-Que, Fairway Market and the new Citarella. "New Harlem" is fast becoming the next destination for fine dining.

SERVED UPTOWN

1. Food, 1569 Lexington, between 100 and 101st streets; (212) 348-0200.

The no-nonsense moniker belies the jazzed-up classics in this new incarnation of the former DinerBar, where fish-centric chef Scott Geller (who's worked at Nobu) turns out luscious escolar and moules frites in Dijon white wine broth in a friendly neighborhood spot.

2. Itzocan Bistro, 1575 Lexington Ave., at 101st Street; (212) 423-0255.

Mexican with French flourishes—such as seafood posole—has been making East Harlem residents happy at this offshoot of an East Village original.

3. Creole, 2167 Third Ave., at 118th Street; (212) 876-8838, creolenyc.com.

Creole and Cajun bites—alligator gumbo and crawfish etouffee from the kitchen—and nightly jazz from a changing roll call of artists.

4. Harlem Tea Room, 1793A Madison Ave., at 118th Street; (212) 348-3471, harlemtearoom.com.

Twenty-two kinds of tea including fruit blends and organics at this comfy spot for nibbling cakes and sandwiches or taking in poetry readings, music events and seminars.

5. Ginger, 1400 Fifth Ave., at 116th St.; (212) 423-1111, gingerexpress.com.

Healthy Chinese food? That's the word at this sleek, colorful space located in a "green" building. Organic and antibiotic-free ingredients light on the frying result in a baked egg roll (skip it) and sweet, fall-off-the-bone BBQ beef ribs.

6. Native, 101 W. 118th St., at Lenox Avenue; (212) 665-2525, harlemnative.com.

Ample outdoor seating makes this bright-colored, 5-year-old eatery a fair-weather find for eclectic fare from a BLT salad to Moroccan fried chicken with collard greens and walnut sauce.

7. Settepani, 196 Lenox Ave., at 120th Street; (917) 492-4806.

This 5-year-old offshoot of a Westchester bakery chainlet has become an epicenter for pastries, sandwiches, salads and pasta, especially when a jazz band riffs outside.

8. Emperor's Roe, 200 Lenox Ave., at 120th St.; (212) 866-3700, emperorsoe.com.

Caviar and Harlem together as never before at this mail-order shop which has just added a shiny new tasting bar and dining area for fish eggs, smoked salmon and bubbly.

9. Society Coffee & Juice, 2104 Frederick Douglass Blvd., between 113th & 114th; (212) 222-3323, societycoffee.com.

Airy, laptop-friendly lounge for java, wine, and "passion and cream" smoothies to wash down waffles, fondue and thin-crust pizza.

10. Melba's, 300 W. 114th, at Frederick Douglass Blvd.; (212) 864-7777, melbasrestaurant.com.

This welcoming, woody bistro gives comfort food a tweak by filling spring rolls with yellow rice, black-eyed peas and collards.

11. Harlem Vintage, 2235 Frederick Douglass Blvd., at 121st Street; (212) 866-9463, harlemvintage.com.

A \$10 bottle of sauvignon blanc is just as easy to come by as a \$90 Brunello di Montalcino from their "winemaker of color" selection at this chic shop.

12. Pier 2110 Seafood Restaurant, 2110 Adam Clayton Powell Jr. Blvd., between 125th and 126th streets; (212) 280-4737, pier2110.com.

This spanking-new seafood place with a raw bar and lounge just opened next to the new

HONORING TOM MACKLIN FOR HIS SERVICE AS CITY OF DELAWARE FIRE CHIEF

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. TIBERI. Mr. Speaker, I wish to join many of my constituents in Delaware, Ohio in

congratulating Chief Tom Macklin, who is retiring after more than 30 years of service with the City of Delaware Fire Department.

Chief Macklin's work was summed up best recently by a colleague who said that his 30-year commitment to Delaware has been marked by professionalism, loyalty and devotion to duty. Under Tom's leadership, the department has grown with the City of Delaware to meet the community's emerging public safety needs.

Chief Macklin began his career with the city in 1975 as a fire fighter. He steadily progressed, earning the rank of lieutenant in 1986, captain in 1989 and chief in 1991.

The City of Delaware has grown and changed for the better during Tom's tenure. Under his leadership, the fire department has evolved to handle the public safety demands of a city with a population of over 30,000. He has also overseen increases in manpower and the opening of a second fire station in the city. Since he became chief in 1991, fire responses have almost tripled.

I am honored to have this opportunity to thank Tom for all his hard work, and I am glad to join his family, friends, and colleagues in wishing him a long and active retirement.

#### TRIBUTE TO MR. NORMAN MINETA

##### HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. COLE of Oklahoma. Mr. Speaker, I rise today to draw attention to an article written by my good friend and colleague Les Francis that pays tribute to Norman Mineta, the longest serving Secretary of Transportation in U.S. history. Mr. Francis has rightly drawn attention to the bipartisan nature of Mr. Mineta's political style and his efforts to work across party lines to achieve common goals. I have known Les Francis for almost 20 years, dating from the early 1990s when we both ran the House Republican and Democratic congressional campaign committees. Les is not only a highly skilled and effective campaigner for the Democratic Party, he is also a man who is devoted to Congress as an institution and to our Nation. He learned those values and beliefs working for Secretary Mineta early in his career.

#### MINETA IS ABLE TO RISE WELL ABOVE POLITICAL AFFILIATION

[From the Mercury News, San Jose, CA]

(By Les Francis)

Tonight, when U.S. Secretary of Transportation Norman Mineta leaves office, it will mark the end of one chapter in a remarkable career, and no doubt the advent of another.

Mineta's dedication to public service was forged by a searing childhood experience: In the spring of 1942, as a 10-year-old American boy of Japanese ancestry, Norm was hauled off and locked up in an American internment camp.

Thirty years later, while vacationing in the Grand Tetons and Yellowstone, the Minetas and Francis made a pilgrimage to nearby Heart Mountain, WY, and we visited the site where the Mineta family had been incarcerated. Norm told us of that experience, how it shaped his life, and how it led to his deeply held views on civil rights and civil liberties.

Once, as mayor of San Jose, Norm presided over a city council meeting where a crowd

protested an exhibit at San Jose's art museum that included one photograph protesting the Vietnam War, and which some thought to be in poor taste. The protesters wanted the offending item removed or the exhibit closed. After listening patiently and without emotion, Norm said, "I understand what you are saying, but it is that kind of thinking that got me and my family put in camp in 1942." His remark ended the debate. And I knew Norm was speaking from the very pit of his soul when he said it.

A Democrat, Mineta was elected to the U.S. House of Representatives in 1974 largely because of two factors: the public's anger at President Ford's pardon of Richard Nixon after his role in Watergate hurt Republican candidates, and Norm's record as a non-partisan, pragmatic municipal leader, which appealed to many independent, "ticket splitter" voters.

Although his district was always competitive, based on party registration, Norm never received less than 60 percent of the vote in every subsequent re-election, and he was actively supported by Democrats and Republicans throughout his career in Congress.

Eventually, Mineta was appointed secretary of commerce by President Bill Clinton, thus becoming the first Asian-American to ever serve in a Cabinet position. After the bitterly contested presidential election of November 2000, when he learned that he was being considered for the top spot at the Department of Transportation in the incoming Bush administration, Norm pulled together a group of friends and advisers to discuss—and debate—the upsides and downsides of such an appointment.

As the conversation developed, I knew that the only thing that mattered was Norm's belief that, if the president asks for your help, unless it's a request for something illegal or immoral, the only answer is, "Yes, Mr. President."

That belief helps explain the relationship between Norm Mineta and George Bush, two individuals with profoundly different political ideologies. When they first met, on Jan. 2, 2001, the then president-elect wasted no time getting down to business by saying, "Dick [Cheney], Andy [Card] and my dad all tell me that you are the best man for the job."

As he recounted the conversation to me later that evening, Norm then reminded the president-elect that he had campaigned extensively on behalf of his opponent, Al Gore, throughout the fall. Norm wanted to know if Bush was troubled by that, to which the president-elect replied, "No, I know all about that, Norm, but you never made it personal."

The bond between the president and his secretary of transportation was assured in the terrible early hours of the Sept. 11 tragedy, when to prevent any further attacks Norm commanded the immediate and safe landing of thousands of commercial flights. In the days after Sept. 11, as a volunteer "utility infielder" of sorts, I had a ringside seat at the Transportation Department, from which I watched Norm, under enormous pressure, perform steadily and ably, leading the department in a way that quickly restored its operational and emotional balance.

Norm Mineta has served the president and his country well and honorably for the past 5½ years, and in so doing has validated the president's early and continued confidence in him.

Even so, Norm's tenure in the Bush administration has frustrated and angered some Democrats, who oppose any such collaboration. Those critics would be well-advised to contemplate what Norm wrote in his letter of resignation to President Bush, which became effective today:

"There is much talk these days about a lack of civility in our political discourse and of deep ideological and partisan divisions at every level of government, most especially here in Washington, D.C.—I like to think that you and I have demonstrated, even in a small way, that different political affiliations do not have to translate into opposing views on the value of public-policy issues and the nobility of public service."

Thank you, Mr. Secretary, for a job well done.

#### RON DELLUMS: COMEBACK "KID" IS 70

##### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate former Congressman and Mayor-Elect Ron Dellums as he makes a political comeback at age 70 in winning the mayoral election in the city of Oakland, California. I submit to the RECORD an article written by Dan Rasmussen from the June 20, 2006 edition of Roll Call Politics entitled "Dellums: Comeback 'Kid' is 70."

While this article references the effort mounted by 8000 people who signed a "Draft Ron Dellums" petition to convince him to run for mayor, it also highlights Mr. Dellums' stellar 27-year Congressional career. Ron Dellums' celebrity as a powerful representative has not waned as evidenced during a recent speech at a local celebration when the crowd spontaneously started chanting, "Run Ron, Run." Their actions spoke volumes of the sentiment felt by the group who voted Ron Dellums into office and back into the political arena.

Dellums, the first black elected to Congress from Northern California, has continued a perfect electoral streak: He has not lost an election since he first won a seat on the Berkeley City Council in 1967.

Ron Dellums has a plan to make Oakland, California the 21st Century Model City. He is committed to working with the citizens and local organizations to solve the city's problems as they transform Oakland into a great municipality. I am sure that much will be accomplished through his leadership.

I enter the article "Dellums: Comeback 'Kid' is 70" into the RECORD in recognition of Ron Dellums' strength, fortitude, longevity, and commitment to fairness and positive change. I congratulate Ron Dellums on his election to mayor of Oakland, California and wish him much success in the future.

[From Roll Call, June 20, 2006]

DELLUMS: COMEBACK 'KID' IS 70

(By Dan Rasmussen)

At 70 years old, Ron Dellums is making a political comeback. Seven years after he abruptly ended his 27-year Congressional career, Dellums, after almost two weeks of uncertainty, has won election as the new mayor of Oakland, Calif.

Oakland City Council President Ignacio De La Fuente, Dellums' closest opponent in the June 6 nonpartisan election, conceded defeat on Saturday. The announcement came after two tense weeks as the Alameda County Registrar of Voters finished counting paper ballots and found that Dellums had won the majority of the vote, avoiding a runoff by a mere 155 votes.



It continued Dellums' perfect electoral streak: He hasn't lost an election since he first won a seat on the Berkeley City Council in 1967.

Dellums is now slated to take office on Jan. 1, 2007. He'll replace another veteran political warrior, former California Gov. Jerry Brown, who, at age 69, is waging a battle to become the Golden State's next attorney general.

Over nearly three decades in the House, Dellums championed many liberal causes—opposing the Vietnam War, U.S. nuclear proliferation and President Ronald Reagan's foreign policy—while leading the fight in Congress against South African apartheid.

His liberal views earned him a place on former President Richard Nixon's "enemies list." But he briefly served as chairman of the House Armed Services Committee, losing the gavel after Democrats lost control of the House in 1994.

Generations of California political activists, as well as several prominent black leaders, rallied behind Dellums' mayoral campaign.

"The election of former Congressman Ron Dellums as Oakland's mayor marks the revival of a black-progressive-labor coalition that many thought was on its last legs," wrote San Francisco Chronicle columnists Philip Matier and Andrew Ross, declaring the election a "sea of change in Oakland politics."

Dellums, the first black elected to Congress from Northern California, was not planning to run for mayor. But he changed his mind after 8,000 people signed a "Draft Ron Dellums" petition to convince him to run. The key moment, his friends and supporters say, was when he was giving a speech at a local urban renewal celebration and the crowd spontaneously started chanting, "Run, Ron, run."

Rep. Barbara Lee (D-Calif.), an 11-year staff member and former intern for Dellums, said she was in the airport listening to the speech on her mobile phone and realized at that moment that Dellums would run.

"He was like a jazz musician, going in and out and you didn't know where he was going to go," she said. "Then there was a moment when there was a crescendo in the musical, and I thought, 'He's going to do it.'"

Now, Dellums is hoping he can help Oakland make a comeback similar to his own—the city in recent years has been plagued with crime and violence.

"The other candidates were touting their experience with the nuts and bolts of a city, but not moving things forward," said Dellums spokesman Mike Healy. "Ron is blending the nuts and bolts with a vision of a model city."

Dellums, who during his years in Congress earned a reputation as a deal maker despite his far-left ideology, wants to make Oakland a model for urban renewal: combating crime with community policing, providing alternatives for young people, working to improve health care and encouraging corporations to use green technologies.

"Ron is going to make Oakland a shining light in a sea of real desperation," Lee said. "I'm excited for the city of Oakland. Ron's involved young people and gotten them to care about the city's future."

Despite his age, Lee said Dellums really has connected with Oakland's youths.

"You should see him with the young people. It's a young people's campaign run by young people with Ron at the head," she said. "He's an eager, energetic, healthy, wise man."

In taking office, Dellums will be working with a few familiar faces from his old congressional staff. Not only is Lee filling his old spot in Congress, but Sandré Swanson,

Dellums' district director and senior policy adviser for 25 years, won the Democratic primary this month for California's 16th Assembly district, and Keith Carson, another former aide, is now the president of the Alameda County Board of Supervisors.

"There's a quiet storm taking place," Lee said.

#### IN RECOGNITION OF THE APPOINTMENT OF THE REVEREND DR. JIM HOLLEY

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. CONYERS. Mr. Speaker, I rise to acknowledge the achievements of the Reverend Dr. Jim Holley, who has just been elected, by the members of the board of police commissioners, on July 1, 2006 to the position of, Chairman of the Board of Police Commissioners, Detroit, Michigan.

Reverend Dr. Jim Holley, was initially appointed to the Board of Police Commissioners in January 2004. Chairman Holley currently serves on the Citizens Complaints and Promotional Appeals Subcommittee and served as Vice Chair of the Commission prior to his election as Chairman of the Board.

Reverend Dr. Holley is the President of the Historic Little Rock Baptist Church. He has been pastor of the church for over 20 years. During this period of leadership, he made major accomplishments, such as: the creation of a facility for job training, development, and placement; acquisition of Little Rock Baptist Village, a housing development, and the acquisition of buildings in the community, as part of his outreach ministry.

Reverend Dr. Holley is the President and CEO of COGNOS Advertising Agency, at one time the only full service agency in Detroit. He is President and CEO of County Preacher Foods, Inc., the largest minority food distributor in the world. He is the Founder and Chairman of the Detroit Academy of Arts & Sciences. Chairman Holley is the Founder and President of East/West Cargo Airlines. He is also the Founder and President of Valet Systems of Michigan, a valet parking Company.

Chairman Holley holds several degrees. He has a Doctorate in Philosophy in Higher Education, from Wayne State University; and a Doctorate in Ministry in Economic Development, from Drew University. He holds three additional masters degrees and two bachelor degrees.

Reverend Dr. Holley is the author of several books, and is rated by the Detroit Free Press as one of the top five ministers in Michigan and was named Michigander of the Year by the Detroit News and by Crain's Business magazine as one of the "Foremost Voices in Detroit."

#### REAUTHORIZATION OF THE VOTING RIGHTS ACT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of

H.R. 9, the Reauthorization of the Voting Rights Act.

Our values, our freedom, and our democracy are based on the idea that every eligible American citizen has the right to vote. They also have the right to expect that their vote will be counted.

It was only 40 years ago that minorities lived under the oppression of Jim Crow. As a result, millions of Americans were unable to fairly participate in our democracy.

In this battle for the most basic of rights, many heroic Americans were imprisoned, beaten, or even killed in the name of freedom and justice. The Voting Rights Act changed the face of this Nation.

We have made amazing progress over the past 40 years. However, progress does not mean that we stop trying. We can not and must not give up until every American citizen has the access and opportunity to vote—regardless of their skin color, ethnicity, or language ability.

Despite our progress there are still thousands of cases of voter intimidation and discrimination reported at every election. Minorities continue to face the uphill battle of misinformation over polling locations, the purging of voter rolls, scare tactics, and inaccessible voting locations. The reality is that there are still some people out there who don't want minorities to vote.

The Voting Rights Act was not and never will be about special rights—it is about equal rights and ensuring the rights of every American voter. Now is the time to reauthorize this historic cornerstone of civil rights. It is imperative to our rights, our freedom and our democracy.

#### RACIST MEMORABILIA IN HARLEM: A SYMBOL OF THE CIVIL RIGHTS MOVEMENT

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, an article by Anthony Ramirez, titled "A Gift Shop in Harlem Finds Customers for Memorabilia of Racist America," published in the July 5, 2006 edition of the New York Times. Ramirez interviewed Mrs. Mary Taylor and Ms. Glenda Taylor, owners of a Harlem shop that sells collectibles from the Jim Crow era. While some (Black) residents find it offensive to see the display of the white robe of the Ku Klux Klan, others are as driven to collect these reminders out of a 'lest-we-forget' impulse.

Ms. Taylor said that the main reason that blacks collect objectionable objects is that they love and hate the item at the same time. They are a symbol of dehumanization of the African Americans through caricature that justified their political, social and economic oppression. This stereotyping of African-Americans perpetuated the belief that Blacks were unfit to be first-class citizens. At the same time, these "contemptible collectibles" are emblems of the civil rights movement and evidence of how much change has occurred and the positive changes that we take great pride in.

The Taylors liken their shop to a time machine. Older black customers, prompted by the

memorabilia, like to reminisce about the times gone by. As the elder Ms. Taylor said, if there is a shop like this, it should be in Harlem. I concur. These objects represent a painful period of our history. But they also symbolize the period when we rose up to claim our fundamental rights as human beings. I acknowledge that it is an ugly part of our heritage, but it should not be hidden away. It serves as a reminder of the era of Jim Crow and a warning that we should never forget the negative consequences of racism.

David Pilgrim, who is Black, argues that these "contemptible collectibles" either belong in a museum or in a garbage can, and not in stores. He runs a temporary museum with 5,000 racist objects and is trying to raise funds to establish a permanent Jim Crow Museum of Racist Memorabilia. The Taylors would like to establish a museum as well, but they too lack the funding.

Mr. Speaker, I bring this effort to preserve this history to the attention of my colleagues and to nongovernmental organization who might be interested in the creation of a museum display the momentos of the Jim Crow era and to serve as a concrete reminder to the Congress of the perils of exclusionary politics.

A GIFT SHOP IN HARLEM FINDS CUSTOMERS  
FOR THE MEMORABILIA OF RACIST AMERICA

(By Anthony Ramirez)

The day Glenda Taylor placed the white hood and white robe of the Ku Klux Klan in the window of her Harlem shop was one to remember.

At the foot of the Klan gown was an 1868 issue of Harper's Weekly depicting a dead black man, with the caption "One Vote Less." Passers-by of all races stopped, stunned, in front of her memorabilia shop, Aunt Meriam's, on West 125th Street, Ms. Taylor said.

One black woman dispatched her 10-year-old daughter into the shop to confront Ms. Taylor, 50, who is black. The girl, Ms. Taylor recalled, said something like, "How could you?"

Ms. Taylor and her mother, Mary Taylor, sell all manner of black memorabilia, including advertisements for the Cotton Club and playbills for a Broadway musical starring Sammy Davis, Jr.

But the Taylors and dealers like them also sell collectibles from the Jim Crow era—cookie jars, coin banks, matchbook covers, fruit-box labels, ashtrays, postcards, sheet music, just to name a few items—that portray blacks in grotesquely racist ways. Little boys eat watermelon. Men steal chickens. Women happily scrub and clean.

While selling such items in the heart of America's most famous black neighborhood might seem offensive, dealers say that blacks rather than whites tend to be the ones collecting the most repellent objects.

"Why do some Jews collect Holocaust material?" asked Wyatt Houston Day of the Swann Galleries in Manhattan, who organizes an annual auction of African-American. "Any people who endure a Holocaust tend to collect, out of a lest-we-forget impulse. It is very much akin to what happened to blacks, and the objects are just as vile."

With the civil rights movement, many whites became ashamed to keep their own racially caricatured bric-a-brac, or that of their parents and grandparents. The rise of the Internet caused prices to fall as attics and cupboards emptied and glutted the market on eBay and Yahoo auction sites. An especially prized type of cookie jar—the McCoy mammy jar—once sold for as much as \$600; it now sells for as little as \$50.

"The main reason that black people collect" objectionable objects, Glenda Taylor said, is "that they love that item and hate that item at the same time."

She added, "It's like the 'n' word. African-Americans are very good at turning a painful thing into something else."

For David Pilgrim, a sociology professor at Ferris State University in Big Rapids, Mich., however, the issue is starker. "This is the ugly intersection of money and race," he said.

Mr. Pilgrim, who is black, runs a temporary museum, with 5,000 racist objects. Stores, he argued, are not the proper surroundings for a thoughtful discussion of what he calls "contemptible collectibles."

He is trying to raise money to establish a permanent Jim Crow Museum of Racist Memorabilia ([www.ferris.edu/jimcrow](http://www.ferris.edu/jimcrow)). "To me," said Mr. Pilgrim, whose own collection makes up nearly half of the temporary museum's inventory, "this stuff is garbage. It belongs either in a museum or a garbage can."

Most historians date the Jim Crow era from 1877, when the federal occupation of the South ended, to 1965, when the Civil Rights Act guaranteeing basic rights for black Americans was passed. Jim Crow was an 1820's musical routine performed by white men in blackface, and the term became a synonym for discrimination and segregation. Jim Crow laws passed by Southern legislatures were a way for whites to roll back black gains after the Civil War.

But Mr. Day of the Swann Galleries said that derogatory objects were made in every state, including New York. "It is very much blacks through white eyes, not a region's eyes," he said.

Mary Taylor, 68, remembers growing up with mammy dolls and other racially stereotyped objects in Hallandale, Fla., near Fort Lauderdale. "We resented this stuff," said Ms. Taylor, a former administrator at Medgar Evers College. "It depicted us as ugly."

She added that blacks now looked at it differently. "We look at ourselves differently. A lot of black people don't have that inferiority complex anymore."

The Taylors scour garage sales, lawn sales, auctions, flea markets and estate sales in upstate New York, Pennsylvania and Florida for items. "The smaller the town, the better," because they tend to have more of the smaller auctions and estate sales, where prices are still low, the elder Ms. Taylor said.

Glenda Taylor, a former administrator for nonprofit education groups, said she got the 1920's Klan robe from "a white collector who got it from an estate sale from someone's attic," she said. The Taylors later sold the hood and robe for \$1,500 to a collector in Washington State.

The younger Ms. Taylor likens her shop, named after a favorite aunt, to a time machine. Older black customers, prompted by the memorabilia, like to reminisce, she said.

A black man in his 60's, looking at a "For Colored Only" reproduction in the shop, remembered the time when as a college student he had lunch in a Louisiana coffee shop. As he left, the white owner broke every dish he had used.

The next day, the black man, a drum major at nearby Grambling State University, brought the entire football team—all blacks—for lunch. They watched in satisfaction as the shaken white owner broke dozens of his dishes.

"If any type of shop like this should be, it should be here in Harlem," the elder Ms. Taylor said. "There should be a black museum. I would prefer that, if we had the money."

RAIL AND PUBLIC TRANSIT  
SECURITY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. OBERSTAR. Mr. Speaker, strengthening and enhancing the safety and security of our Nation's public transportation network is an urgent and critical need. Worldwide public transportation systems have been shown to be vulnerable targets for terrorist attacks, as exhibited by yesterday's horrific train bombing in India, which claimed at least 200 lives and injured at least 700 more.

I believe passenger rail and public transportation providers face a difficult challenge: To provide affordable, efficient, and safe transportation services in an open and readily accessible environment.

Our Nation's public transportation systems provide more than 9.5 billion transit trips annually on all modes of transit service. In addition, Amtrak provides service to more than 25 million passengers annually on 21,000 miles of routes. The extensiveness of these systems and the sheer volume of passengers who rely on public transportation make these systems an attractive target for terrorists.

Yet since September 11, 2001, the Nation has focused its attention primarily on aviation security. As a result, we have made a great deal of progress in aviation, but much still needs to be done for other modes of transportation. I am aware of the many initiatives taken by public transportation providers and Amtrak to enhance the safety and security of their passengers. I am also well aware of the security initiatives that the Federal Transit Administration, the Federal Railroad Administration, and the Transportation Security Administration, TSA, have embarked upon, but those efforts are not enough. This year, the United States will spend \$4.7 billion on aviation security. In contrast, the TSA has spent only \$387.5 million in grants on public transportation security over the last four years, even though five times as many people take trains as planes every day.

This House just passed legislation that will provide \$200 million for rail and transit security. Thanks to the efforts of the Gentleman from Massachusetts (Mr. LYNCH) and other Members, that's more than we have done in the past, but more funding is needed to ensure our Nation's passenger rail and public transportation systems are safe and secure.

Amtrak alone has requested more than \$100 million in security upgrades and nearly \$600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transit Association, which represents transit agencies and commuter railroads, has identified an estimated \$6 billion in security needs to fully modernize and maintain the security of public transit systems. The lack of funding for safety and security measures endangers the Nation's critical public transportation infrastructure.

The incapacity or destruction of the Nation's transportation systems and assets would have a debilitating impact on our security, national economic stability, national public health, and safety. Our transportation stakeholders, State and local governments and private providers

of public transportation, and the traveling public are depending on us to help provide significant safety and security improvements for public transportation.

I therefore urge the House's immediate consideration of H.R. 2351, which will protect the safety and security of our Nation's rail and transit systems and the passengers, workers, and communities that are served by them.

COMMENDING THE ISRAEL AIR  
FORCE CENTER FOUNDATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 12, 2006*

Mr. LANTOS. Mr. Speaker, I want to call the attention of my colleagues in the Congress to the Israel Air Force Center Foundation—a private non-profit charitable organization which has done a great deal to strengthen ties between the American people and the people of Israel and between the military organizations of the United States and Israel and to enhance the peaceful commercial uses of air and space technology.

I do this today, Mr. Speaker, because a group of the American leaders of the Israel Air Force Center Foundation will be visiting Washington next week. During their visit they will meet with leading Members of the Congress as well as other public and private leaders here in our nation's capital in an effort to strengthen the work of the Foundation and introduce American leaders to their work.

Mr. Speaker, the Israel Air Force Center is a unique Israeli institution—part think-tank (along the lines of the Rand Corporation in the United States) and part media, history, and resource center which focuses on Israel's emergence as a world leader in science and technology. The Center is located in Herzliya, Israel, and housed in a stunning building which opened in the summer of 2003.

The Israel Air Force Center was established by the Israel Air Force Association, a private organization which provides non-official sup-

port for Israel's fabled Air Force. The Association is similar to organizations in the United States which provide support for our own military organization such as the Association of the United States Army (AUSA), and like its American counterparts, it was founded by former Israeli Air Force officers.

The Israel Air Force Center was established to emphasize the link between the Israeli Air Force, its veterans, the people of Israel, and an international community committed to improving quality of life through science and the peaceful application of aerospace technology. Sponsors have established major research chairs at the Center, including one in aviation security, to aid policy makers in key decisions and to strengthen the economy and security of Israel and advance human knowledge.

Mr. Speaker, the Israel Air Force Center Foundation is a private, non-profit, tax-exempt organization in the United States which has as its objective providing financial support for the Israel Air Force Center and the activities of the Israel Air Force Association. I commend these patriotic Americans who participate in the Foundation's activities. Their efforts to strengthen the ties between the United States and Israel are important for both countries, and the support they give to the research and development activities of the Israel Air Force Center are beneficial to both the United States and to Israel.

As my colleagues know, American support for Israel is more critical than ever in today's unstable world. As the only stable democracy in the Middle East, it is our responsibility to help protect Israel from the multiplicity of dangers on its borders and its region, including threats from Iran and Syria. The Israeli military forces, including the Israel Air Force, are a vital deterrent to those threats. The partnership between the U.S. Air Force and the IAF sets an excellent example for military cooperation. Israeli-developed systems boost the American Air Force's targeting and navigation ability in Afghanistan and Iraq, and Israeli-developed Unmanned Aerial Vehicles (UAVs) are a vital component of U.S. military efforts on both those fronts. Virtually every senior IAF officer has trained in the United States, and

most IAF equipment is U.S.-origin, including the F-15 and F-16 fighter jets, which form the backbone of the IAF's strike force.

In addition, the Israel Air Force Center provides fundamental information to the international community on current air force research. The Center's think-tank, the Fisher Brothers Institute for Air and Space Strategic Studies, fosters the growth of ideas and public debate by holding seminars and international conferences. The Aviation Safety and Security Center at the Institute is dedicated to enhancing and disseminating IAF expertise on aviation safety and security throughout the world.

In addition to its strategic function, specific programs of the Israel Air Force Center undertake numerous charitable activities. The Adelson Institute for Academic Studies reintegrates Air Force servicemen and women into civilian life through training courses, personal guidance and links to the private business sector. The Family Service Center assists Air Force families cope with trauma and bereavement. The Center provides tremendous support and an emotional outlet to those whose loved ones have been killed or injured in the line of duty. The Center also seeks to help the larger Israeli citizenry by adopting developing towns and supporting educational programs in underprivileged communities. The Association funds day-care centers, kindergartens and schools in need in addition sending members to tutor school children.

Mr. Speaker, I had the opportunity to witness the work of the Israel Air Force Center firsthand during a recent visit to Israel. That reinforced how critically important it is for the U.S. Air Force and the Israel Air Force to continue working together during this crucial time of instability and tension within the Middle East. At the same time, I was able to see the vital importance of the Center in contributing to the U.S.-Israel cooperative relationship.

Mr. Speaker, I invite my colleagues to join me in commending the Israel Air Force Center Foundation for their significant contribution to U.S.-Israel relations, and I wish the Foundation increasing success in its important work.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, July 12, 2006 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JULY 13

Time to be announced

## Budget

Business meeting to consider the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

Room to be announced

9 a.m.

## Judiciary

Business meeting to consider the nominations of Neil M. Gorsuch, of Colorado, and Jerome A. Holmes, of Oklahoma, each to be a United States Circuit Judge for the Tenth Circuit, Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Gustavo Antonio Gelpi, to be United States District Judge for the District of Puerto Rico, Daniel Porter Jordan III, to be United States District Judge for the Southern District of Mississippi, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General, R. Alexander Acosta, to be United States Attorney for the Southern District of Florida, Martin J. Jackley, to be United States Attorney for the District of South Dakota, and Brett L. Tolman, to be United States Attorney for the District of Utah, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the For-

eign Intelligence Surveillance Act of 1978, S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 2703, to amend the Voting Rights Act of 1965, S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation.

SD-226

9:30 a.m.

## Environment and Public Works

Clean Air, Climate Change, and Nuclear Safety Subcommittee

To hold hearings to examine the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

SD-628

## Foreign Relations

To hold hearings to examine the current situation relative to Iraq.

SD-419

10 a.m.

## Armed Services

To hold hearings to examine military commissions in light of the Supreme Court decision in *Hamdan v. Rumsfeld*.

SH-216

## Energy and Natural Resources

To hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries.

SD-366

## Finance

To hold hearings to examine the nomination of Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury for Tax Policy.

SD-215

## Veterans' Affairs

To hold hearings to examine challenges facing the U.S. Court of Appeals for Veterans Claims, focusing on efforts to address the backlog.

SR-418

## Aging

To hold hearings to examine Medicaid to retiree benefits, focusing on the impact of seniors on health care costs in the United States.

SD-106

2 p.m.

## Appropriations

Business meeting to markup H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and an original bill making appropriations for the government of the Dis-

trict of Columbia for the fiscal year ending September 30, 2007.

SD-106

2:30 p.m.

## Commerce, Science, and Transportation

To hold hearings to examine unmanned aerial systems in Alaska.

SD-562

## Judiciary

Constitution, Civil Rights and Property Rights Subcommittee

To hold hearings to examine renewing the temporary provisions of the Voting Rights Act relating to legislative options after *LULAC v. Perry*.

SD-226

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget.

SD-342

## Intelligence

Closed business meeting to consider pending intelligence matters.

SH-219

## JULY 17

2:30 p.m.

## Energy and Natural Resources

To hold hearings to examine implementation of the Energy Policy Act of 2005 provisions on hydrogen and fuel cell research and development.

SD-366

3 p.m.

## Foreign Relations

To hold hearings to examine the nomination of Christina B. Rocca, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

SD-419

## JULY 18

9:30 a.m.

## Armed Services

To hold hearings to examine the nominations of Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense, Anita K. Blair, of Virginia, to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Benedict S. Cohen, of the District of Columbia, to be General Counsel of the Department of the Army, Frank R. Jimenez, of Florida, to be General Counsel of the Department of the Navy, David H. Laufman, of Texas, to be Inspector General, Department of Defense, Sue C. Payton, of Virginia, to be Assistant Secretary of the Air Force for Acquisition, William H. Tobey, of Connecticut, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration, and Robert L. Wilkie, of North Carolina, to be Assistant Secretary of Defense for Legislative Affairs.

SD-106

## Judiciary

To hold oversight hearings to examine the Department of Justice.

SH-216

10 a.m.

## Energy and Natural Resources

To hold hearings to examine United States and India energy cooperation in the context of global energy demand, the emerging energy needs of India,

and the role of nuclear power can play in meeting those needs.

SD-366

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold an oversight hearing to examine District of Columbia government operations, focusing on successes and challenges the District has experienced during the two terms of Mayor Williams, including the anticipated challenges that the new mayor will face.

SD-342

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine perspectives on insurance regulation.

SD-538

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine S. 2590, to require full disclosure of all entities and organizations receiving Federal funds.

SD-342

JULY 19

9:30 a.m.

Environment and Public Works

To hold hearings to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

SD-628

Judiciary

To hold hearings to examine antitrust concerns relating to credit card interchange rates.

SD-226

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual Monetary Policy Report to Congress.

SD-106

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold an oversight hearing on the implementation of Public Law 108-148 The Healthy Forests Restoration Act.

SD-366

Commerce, Science, and Transportation

Technology, Innovation, and Competitive-ness Subcommittee

To hold hearings to examine high performance computing.

SD-562

10:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed Pandemic and All-Hazards Preparedness Act, S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, and the nominations of Elizabeth Dougherty, of the District of Columbia, Peter W. Tredick, of California, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board.

SD-430

2:15 p.m.

Judiciary

To hold hearings to examine judicial nominations.

SD-226

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine Department of Homeland Security purchase cards.

SD-342

JULY 20

9:30 a.m.

Armed Services

To receive a closed briefing regarding overhead imagery systems.

S-407, Capitol

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA dairy programs.

SR-328A

2 p.m.

Appropriations

Business meeting to markup H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007.

SD-106

# Daily Digest

## HIGHLIGHTS

House Committees ordered reported 8 sundry measures.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S7361–S7450*

**Measures Introduced:** Twelve bills and two resolutions were introduced, as follows: S. 3639–3650, S. Res. 527, and S. Con. Res. 108. **Page S7415**

**Measures Reported:** Report to accompany S. 3524, to amend titles XVIII, XIX, and XXI of the Social Security Act to improve health care provided to Indians under the Medicare, Medicaid, and State Children's Health Insurance Programs. (S. Rept. No. 109–278)

S. 2832, to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965. (S. Rept. No. 109–279)

**Page S7415**

#### **Measures Passed:**

**Condemning Terrorist Attacks:** Senate agreed to S. Res. 527, condemning in the strongest terms the July 11, 2006, terrorist attacks in India and expressing sympathy and support for the families of the deceased victims and wounded as well as steadfast support to the Government of India as it seeks to reassure and protect the people of India and to bring the perpetrators of this despicable act of terrorism to justice. **Page S7441**

**Printing Authority:** Senate agreed to S. Con. Res. 108, authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications. **Pages S7441–42**

**National Veterans Awareness Week:** Committee on the Judiciary was discharged from further consideration of S. Res. 507, designating the week of November 5 through November 11, 2006, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country, and the resolution was then agreed to. **Page S7742**

**National Mammography Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 508, designating October 20, 2006, as "National Mammography Day", and the resolution was then agreed to. **Page S7742**

**National Fetal Alcohol Spectrum Disorders Awareness Day:** Committee on the Judiciary was discharged from further consideration of S. Res. 499, designating September 9, 2006, as "National Fetal Alcohol Spectrum Disorders Awareness Day", and the resolution was then agreed to. **Pages S7742–43**

**Commemorating 50th Anniversary of U.S. National Motto:** Committee on the Judiciary was discharged from further consideration of S. Con. Res. 96, to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption, and the resolution was then agreed to. **Pages S7743–44**

**Louis Braille Bicentennial—Braille Literacy Commemorative Coin Act:** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 2872, to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille, and the bill was then passed, clearing the measure for the President. **Page S7444**

**Homeland Security Appropriations:** Senate continued consideration of H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, taking action on the following amendments proposed thereto: **Pages S7366–S7407**

#### **Adopted:**

Bingaman Amendment No. 4591, to provide financial aid to local law enforcement officials along the Nation's borders. **Pages S7367–68**

Coburn Amendment No. 4562, to require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference



report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress. **Pages S7368–69**

Coburn Amendment No. 4561, to require that reports required in the bill to be submitted to the Committee on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public Web site not later than 48 hours after such submission unless information in the report compromises national security. **Pages S7369–70**

Coburn Amendment No. 4590, to make appropriations available for the Chief Financial Officer of the Department of Homeland Security to ensure compliance with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note). **Pages S7373–74**

Coburn Modified Amendment No. 4585, to prohibit the use of funds available to the Coast Guard for operating expenses for the continuation of operations of Long Range Aids to Navigation stations nationwide, except in Alaska, far northwest, and far northeast Continental United States of America. **Pages S7370–73, S7374–77, S7382**

Gregg (for Lautenberg) Amendment No. 4558, to prohibit the expenditure of appropriated funds to enforce or comply with the limitation on the number of Transportation Security Administration employees. **Page S7387**

Gregg (for Salazar) Amendment No. 4554, to require the Secretary of Homeland Security to prepare a report on the conduct of activities to achieve communications interoperability. **Page S7387**

Gregg (for Kerry) Amendment No. 4552, to repeal the Transportation Security Administration's exemption from Federal procurement law. **Page S7387**

Gregg (for Feingold/Sununu) Amendment No. 4569, to require reports to Congress on the Department of Homeland Security's use of data-mining. **Page S7387**

Gregg (for Byrd) Amendment No. 4614, to establish procedures for grants for State and local programs. **Pages S7389–90**

Byrd Amendment No. 4620, to ensure adequate safety at high-risk chemical facilities. **Pages S7388, S7390**

Baucus Modified Amendment No. 4621, to require the Secretary of Homeland Security to conduct tests of unmanned aerial vehicles for border surveillance along the border between Canada and the United States. **Pages S7388–89, S7390–91**

Withdrawn:

Coburn Amendment No. 4589, to reduce appropriations available for certain training, exercises, technical assistance, and other programs. **Pages S7373, S7384**

Pending:

Feinstein Amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition. **Pages S7366, S7399**

Thune/Talent Amendment No. 4610, to establish a program to use amounts collected from violations of the corporate average fuel economy program to expand infrastructure necessary to increase the availability of alternative fuels. **Pages S7384–86**

Vitter Amendment No. 4615, to prohibit the confiscation of a firearm during an emergency or major disaster if the possession of such firearm is not prohibited under Federal or State law. **Page S7386**

Menendez Modified Amendment No. 4634, to provide that appropriations under this Act may not be used for the purpose of providing certain grants, unless all such grants meet certain conditions for allocation. **Pages S7399–S7401**

During consideration of this measure today, the Senate also took the following action:

By 50 yeas to 50 nays (Vote No. 194), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, as made effective by section 7035(a) of P.L. 109–234, with respect to Biden Amendment No. 4553, to increase amounts for the rail and transit security grant programs. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S7377–81, S7382–84, S7387**

By 47 yeas to 53 nays (Vote No. 195), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 402 of H. Con. Res. 95, Congressional Budget Resolution for Fiscal Year 2006, with respect to the emergency designation provision in Clinton Amendment No. 4576, to restore funding to States and local governments for terrorism prevention activities in the Homeland Security Grant Program to fiscal year 2005 levels. Subsequently, a point of order that the emergency designation provision would violate section 402 of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point of order that the amendment would exceed the subcommittee's 302(b) allocation, as made effective by section 7035(a) of P.L. 109–234, and the amendment thus falls. **Pages S7391–95, S7396–97, S7398**

By 50 yeas to 50 nays (Vote No. 196), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 402 of H. Con. Res. 95, Congressional Budget Resolution for Fiscal Year 2006, with respect to the emergency designation provision in Schumer Amendment No. 4587, to increase the amount appropriated for transit security grants by \$300,000,000. Subsequently, a point of order that the emergency designation provision would violate section 402 of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point of order that the amendment would exceed the subcommittee's 302(b) allocation, as made effective by section 7035 of P.L. 109-234, and the amendment thus falls.

**Pages S7395-96, S7397-98, S7398-99**

Chair sustained a point of order against Cornyn Amendment No. 4577 (to Amendment No. 4556), to provide for immigration injunction reform, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on appropriations matters, and the amendment thus fell.

**Pages S7367, S7399**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, July 13, 2006.

**Page S7444**

**Nominations Received:** Senate received the following nominations:

Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia.

John C. Rood, of Arizona, to be an Assistant Secretary of State (International Security and Non-Proliferation).

Henry M. Paulson, Jr., of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development.

5 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

Routine lists in the Air Force, Army, Foreign Service, National Oceanic and Atmospheric Administration, Navy.

**Pages S7444-50**

**Messages From the House:**

**Page S7413**

**Measures Placed on Calendar:** **Page S7413**

**Measures Read First Time:** **Page S7413**

**Executive Communications:** **Pages S7413-15**

**Executive Reports of Committees:** **Page S7415**

**Additional Cosponsors:** **Pages S7415-17**

**Statements on Introduced Bills/Resolutions:**  
**Pages S7417-26**

**Additional Statements:** **Pages S7411-13**

**Amendments Submitted:** **Pages S7426-40**

**Authorities for Committees to Meet:**  
**Pages S7440-41**

**Privileges of the Floor:** **Page S7441**

**Record Votes:** Three record votes were taken today. (Total—196) **Pages S7387, S7398, S7399**

**Adjournment:** Senate convened at 9:30 a.m., and adjourned at 7:16 p.m., until 9 a.m., on Thursday, July 13, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7444.)

## Committee Meetings

(Committees not listed did not meet)

### NOMINATIONS:

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, both of the Export-Import Bank of the United States, Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury, and Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, after the nominees testified and answered questions in their own behalf.

### BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission.

### VIETNAM

*Committee on Finance:* Committee held a hearing to examine S. 3495, to authorize the extension of non-discriminatory treatment (normal trade relations treatment) to the products of Vietnam, receiving testimony from Karan K. Bhatia, Deputy United States

Trade Representative; Eric G. John, Deputy Assistant Secretary of State, Bureau of East Asian and Pacific Affairs; Jon Caspers, National Pork Producers Council, Swaledale, Iowa; Christian Schlect, Northwest Horticultural Council, Yakima, Washington; Jeffrey R. Shafer, Citigroup Global Markets, New York, New York; and Augustine D. Tantillo, American Manufacturing Trade Action Coalition, Chris Seiple, Institute for Global Engagement, T. Kumar, Amnesty International USA, and Virginia B. Foote, U.S.-Vietnam Trade Council, all of Washington, D.C.

Hearing recessed subject to the call.

#### MULTILATERAL DEVELOPMENT BANKS

*Committee on Foreign Relations:* Committee concluded a hearing to examine development effectiveness of certain infrastructure projects relating to multilateral development banks and their role in promoting economic development and reducing poverty, focusing on the Camisea pipeline project in Peru, and the Chad-Cameroon oil pipeline revenue management program, after receiving testimony from Clay Lowery, Assistant Secretary of the Treasury for International Affairs; Jaime Quijandria, The World Bank, Korinna Horta, Environmental Defense Fund, on behalf of The Chadian Association for the Promotion and Defense of Human Rights and The Center for Environment and Development in Cameroon, and Manish Bapna, Bank Information Center, all of Washington, D.C.; and Carlos Herrera Descalzi, National Engineers Association of Peru, Lima.

#### LUMBEE RECOGNITION ACT

*Committee on Indian Affairs:* Committee concluded a hearing to examine S. 660, to provide for the acknowledgment of the Lumbee Tribe of North Carolina, after receiving testimony from Senator Dole; Representative McIntyre; R. Lee Fleming, Director, Office of Federal Acknowledgment, Department of the Interior; James Ernest Goins, Pembroke, North Carolina, Arlinda F. Locklear, Jefferson, Maryland,

and Jack Campisi, Red Hook, New York, all of the Lumbee Tribe of North Carolina; and Michell Hicks, Eastern Bank of Cherokees, Cherokee, North Carolina.

#### IMMIGRATION REFORM

*Committee on the Judiciary:* Committee concluded a hearing to examine immigration reform issues, after receiving testimony from Carlos Gutierrez, Secretary of Commerce; Michael

W. Cutler, Center for Immigration Studies, Benjamin Johnson, American Immigration Law Foundation, and William F. McDonald, Georgetown University Law Center, all of Washington, D.C.; and Niall O'Dowd, Irish Lobby for Immigration, New York, New York.

#### SMALL BUSINESS FEDERAL CONTRACTING

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine strengthening participation of small businesses in Federal contracting and innovation research programs, after receiving testimony from Eric M. Thorson, Inspector General, Small Business Administration; Joe Wynn, Veterans Enterprise Training and Services Group, and Charles W. Wessner, National Research Council, both of Washington, D.C.; Steven Sims, National Minority Supplier Development Council, New York, New York; Michael Squillante, RMD, Inc., Watertown, Massachusetts, on behalf of the Small Business Technology Council; Eugene Watson, Red Ladder Ranch, Centennial, Wyoming, on behalf of the University of Wyoming Research Office and Wyoming Business Council; and Thomas J. Bigger, Paratek Pharmaceuticals, Boston, Massachusetts.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 17 public bills, H.R. 5765–5781; and 4 resolutions, H. Con. Res. 445 and H. Res. 911–913, were introduced.

**Pages H5127–28**

**Additional Cosponsors:**

**Pages H5128–29**

**Reports Filed:** Reports were filed today as follows:

H. Res. 910, providing for consideration of H.R. 9, to amend the Voting Rights Act of 1965 (H. Rept. 109–554); and

H.R. 5640, to amend part B of title IV of the Social Security Act to reauthorize the safe and stable families program, and for other purposes, with an amendment (H. Rept. 109–555).

**Page H5127**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today. **Page H5049**

**Chaplain:** The prayer was offered by the guest Chaplain, Rev. Michael Jackson, Pastor, New Life Assembly of God, Janesville, Wisconsin. **Page H5049**

**Carl D. Perkins Career and Technical Education Improvement Act of 2005—Motion to go to Conference:** The House previously passed H.R. 366, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act. The House subsequently passed S. 250, as amended by the House, a similar Senate-passed bill after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 366, as passed by the House. The House insisted on its amendments and requested a conference with the Senate. **Pages H5062–73**

Agreed to amend the title so as to read: “To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.”. **Page H5073**

The House agreed to the Miller of California motion to instruct conferees by a ye-a-and-nay vote of 260 yeas to 159 nays, Roll No. 366.

**Pages H5073–78, H5080**

The Chair appoints the following Members of the House as conferees on S. 250: Representatives McKeon, Castle, Souder, Osborne, Musgrave, Miller, George, of California, Woolsey, and Kind.

**Page H5080**

**Credit Rating Agency Duopoly Relief Act of 2005:** The House passed H.R. 2990, to improve ratings quality by fostering competition, transparency, and accountability in the credit rating agency industry, by a recorded vote of 255 yeas to 166 noes, Roll No. 368. **Pages H5080–94**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

**Pages H5087–89**

Agreed to:

Oxley amendment (No. 1 printed in H. Rept. 109–550) to clarify that there is no private right of action for rating agencies registered as “Nationally Recognized Statistical Rating Organizations” or “NRSROs” under the Securities Exchange Act of 1934; allot to the Securities and Exchange Commission (SEC) an additional 6 months for a total of 1 year to review and, if necessary, revise its regulations that use the term “NRSRO”; and make a number of technical amendments clarifying definitions, findings, and disclosure requirements. **Pages H5089–90**

Rejected:

Kanjorski amendment in the nature of a substitute (No. 2 printed in H. Rept. 109–550) which sought to establish a globally consistent, market-based approach to rating agency oversight and protects investors by maintaining quality as a factor in identifying Nationally Recognized Statistical Rating Organizations (NRSROs); require the SEC to complete its definitional rulemaking on what constitutes an NRSRO within 60 days of enactment and establish public guidelines about the process used to identify new NRSROs within 180 days of enactment; encourage participating parties to expedite and complete their ongoing discussions over the Voluntary Framework, consistent with the European Commission’s adoption of the International Organization of Securities Commissions’ self-regulatory model, to improve market discipline and enhance rating quality; and would require annual hearings for 5 years on rating agencies before the House Financial Services Committee to explore the effectiveness of the prior two reforms and determine the need for further action (by a recorded vote of 198 yeas to 222 noes, Roll No. 367). **Pages H5090–94**

H. Res. 906, the rule providing for consideration of the bill was agreed to by a ye-a-and-nay vote of 308 yeas to 113 nays, Roll No. 365, after agreeing to order the previous question by a ye-a-and-nay vote of 223 yeas to 197 nays, Roll No. 364.

**Pages H5056–62, H5078–80**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, July 11th:

*To study and promote the use of energy efficient computer servers in the United States:* H.R. 5646, amended, to study and promote the use of energy efficient computer servers in the United States, by a (2/3) ye-a-and-nay vote of 417 yeas to 4 nays, Roll No. 369. **Pages H5094–95**

**Senate Message:** Message received from the Senate today appears on page H5049.

**Senate Referrals:** S. 1509 and S. 2430 were referred to the Committee on Resources, S. 2918 was referred to the Committee on House Administration, and S. 2041 was held at the desk. **Page H5125**

**Quorum Calls—Votes:** Four ye-a-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H5078–79, H5079–80, H5080, H5093–94, H5094, and H5095. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8 p.m.

## Committee Meetings

### MILITARY COMMISSIONS AND TRIBUNALS

*Committee on Armed Services:* Held a hearing on standards of military commissions and tribunals. Testimony was heard from Steven Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; Daniel J. Dell’Orto, Principal Deputy General Counsel, Department of Defense; Theodore Olson, former Solicitor General of the United States; and RADM John Hutson, USN, (Ret.), former Judge Advocate General, U.S. Navy.

### LIMITED ENGLISH PROFICIENT AND DISABLED STUDENTS

*Committee on Education and the Workforce:* Held a hearing entitled “No Child Left Behind: Ensuring High Academic Achievement for Limited English Proficient Students and Students with Disabilities.” Testimony was heard from Keith Buchanan, English for Speakers of Other Languages Office Coordinator, Fairfax County Public Schools, State of Virginia; Margaret McLeod, Executive Director, Office of Bilingual Education, Public Schools, District of Columbia; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Ordered reported, as amended, the following bills: H.R. 4591, Stockholm and Rotterdam Toxics Treaty Act of 2005; H.R. 2567, Antifreeze Bittering Act of 2005; and H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act.

### INDUSTRIAL LOAN CORPORATIONS

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “ILCs—A Review of Charter, Ownership, and Supervision Issues.” Testimony was heard from Scott G. Alvarez, General Counsel, Board of Governors, Federal Reserve System; Douglas H. Jones, Acting General Counsel, FDIC; Rick Hillman, Director, Financial Markets and Community Investment, GAO; G. Edward Leary, Commissioner, Department of Financial Institutions, State of Utah; and public witnesses.

### DIVERSITY—GAO PERSPECTIVE

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing entitled “Diversity: the GAO Perspective.” Testimony was heard from Orice M. Williams, Director, Financial Markets and Community Investment, GAO; and public witnesses.

### U.S. ELECTRICITY GRID STABILITY

*Committee on Government Reform:* Subcommittee on Energy and Resources held a hearing entitled “Can the U.S. Electric Grid Take Another Hot Summer?” Testimony was heard from Joseph T. Kelliher, Chairman, Federal Energy Regulatory Commission, Department of Energy; and public witnesses.

### BRIEFING—TERRORIST RADICALIZATION PROCESS

*Committee on Homeland Security:* Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessments held a briefing on the terrorist radicalization process, including specific examples of the process at work. The Subcommittee was briefed by departmental witnesses.

### NEW YORK 9/11 ASSISTANCE FRAUD

*Committee on Homeland Security:* Subcommittee on Management, Integration, and Oversight held a hearing entitled “Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control,” Part I, “Response.” Testimony was heard from the following officials of the Department of Homeland Security: Joe Picciano, Deputy Director, Region II, FEMA; and Richard Skinner, Inspector General; Greg Lutz, Director, Financial Management and Assurance, GAO; the following officials of New York City: Rose Gill Hearn, Commissioner, Department of Investigation; and David J. Varoli, General Counsel, Department of Design and Construction; and public witnesses.

Hearings continue tomorrow.

### MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Ordered reported the following bills: H.R. 2965, amended, Federal Prison Industries Competition in Contracting Act of 2005; H.R. 1369, To prevent certain discriminatory taxation of natural gas pipeline property; H.R. 4772, amended, Private Property Rights Implementation Act of 2005; and H.R. 4132, amended, Law Enforcement Cooperation Act of 2005.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power held a hearing on the following bills: H.R. 3558, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2005; H.R. 5282, Southern California Desert Region Integrated Water and Economic Sustainability Plan Act; H.R. 5299, Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006; and H.R. 5715, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992. Testimony was heard from William E. Rinne, Acting Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

## VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT

*Committee on Rules:* Granted, by a vote of 8 to 3, a structured rule providing 90 minutes of general debate on H.R. 9, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions.

## OVERSIGHT—WRIGHT AMENDMENT REFORM

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held an oversight hearing entitled "Reforming the Wright Amendment." Testimony was heard from Representatives Hall, Barton of Texas, Sam Johnson of Texas, Granger, Hensarling and Burgess; Michael Cirillo, Vice President, System Operations, Air Traffic Organization, FAA, Department of Transportation; the following Mayors of Texas: Laura Miller, Dallas; and Mike Moncrief, Fort Worth; and public witnesses.

## REAUTHORIZATION APPALACHIAN REGIONAL COMMISSION—CREATE ADDITIONAL REGIONAL ECONOMIC DEVELOPMENT AUTHORITIES

*Committee on Transportation and Infrastructure:* Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on the Reauthorization of the Appalachian Regional Commission and proposals to Create Additional Regional Economic Development Authorities. Testimony was heard from Representatives Bass, McHugh and McIntyre; the following officials of the Appalachian Regional Commission: Anne B. Pope, Fed-

eral Co-Chair; and Steve Robertson, Alternate to the States' Co-Chair; and public witnesses.

## VETERANS' MEMORIAL MARKER ACT OF 2006

*Committee on Veterans' Affairs:* Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action, as amended, H.R. 5038, Veterans' Memorial Marker Act of 2006.

## U.S.-PERU TRADE PROMOTION AGREEMENT

*Committee on Ways and Means:* Held a hearing on the implementation of the U.S.-Peru Trade Promotion Agreement. Testimony was heard from Everett Eissenstat, Assistant U.S. Trade Representative for the Americas; and public witnesses.

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## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D752)

H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard. Signed on July 11, 2006. (Public Law 109-241)

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## COMMITTEE MEETINGS FOR THURSDAY, JULY 13, 2006

(Committee meetings are open unless otherwise indicated)

### Senate

*Committee on Appropriations:* business meeting to mark up H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and an original bill making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 2007, 2 p.m., SD-106.

*Committee on Armed Services:* to hold hearings to examine military commissions in light of the Supreme Court decision in *Hamdan v. Rumsfeld*, 10 a.m., SH-216.

*Committee on the Budget:* business meeting to consider the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget, Time to be announced, Room to be announced.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine unmanned aerial systems in Alaska, 2:30 p.m., SD-562.

*Committee on Energy and Natural Resources:* to hold hearings to examine H.R. 5254, to set schedules for the consideration of permits for refineries, 10 a.m., SD-366.

*Committee on Environment and Public Works:* Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards, 9:30 a.m., SD-628.

*Committee on Finance:* to hold hearings to examine the nomination of Eric Solomon, of New Jersey, to be an Assistant Secretary of the Treasury for Tax Policy, 10 a.m., SD-215.



*Committee on Foreign Relations:* to hold hearings to examine the current situation relative to Iraq, 9:30 a.m., SD-419.

*Committee on Homeland Security and Governmental Affairs:* to hold hearings to examine the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget, 2:30 p.m., SD-342.

*Committee on the Judiciary:* business meeting to consider the nominations of Neil M. Gorsuch, of Colorado, and Jerome A. Holmes, of Oklahoma, each to be a United States Circuit Judge for the Tenth Circuit, Kimberly Ann Moore, of Virginia, to be United States Circuit Judge for the Federal Circuit, Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit, Gustavo Antonio Gelpi, to be United States District Judge for the District of Puerto Rico, Daniel Porter Jordan III, to be United States District Judge for the Southern District of Mississippi, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General, R. Alexander Acosta, to be United States Attorney for the Southern District of Florida, Martin J. Jackley, to be United States Attorney for the District of South Dakota, and Brett L. Tolman, to be United States Attorney for the District of Utah, S. 2453, to establish procedures for the review of electronic surveillance programs, S. 2455, to provide in statute for the conduct of electronic surveillance of suspected terrorists for the purposes of protecting the American people, the Nation, and its interests from terrorist attack while ensuring that the civil liberties of United States citizens are safeguarded, S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, S. 3001, to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, S. 2831, to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice, H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, S. 155, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 2703, to amend the Voting Rights Act of 1965, S. 1845, to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and S. 2679, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, 9 a.m., SD-226.

Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine renewing the temporary provisions of the Voting Rights Act relating to legislative options after *LULAC v. Perry*, 2:30 p.m., SD-226.

*Committee on Veterans' Affairs:* to hold hearings to examine challenges facing the U.S. Court of Appeals for Veterans Claims, focusing on efforts to address the backlog, 10 a.m., SR-418.

*Select Committee on Intelligence:* closed business meeting to consider pending intelligence matters, 2:30 p.m., SH-219.

*Special Committee on Aging:* to hold hearings to examine Medicaid to retiree benefits, focusing on the impact of seniors on health care costs in the United States, 10 a.m., SD-106.

## House

*Committee on Appropriations,* Subcommittee on Interior, Environment, and Related Agencies, oversight hearing on Chesapeake Bay, 10 a.m., B-308 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Health, hearing entitled "Innovative Solutions to Medical Liability," 10 a.m., 2123 Rayburn.

*Committee on Government Reform,* hearing entitled "Can You Clear Me Now?: Weighing 'Foreign Influence' Factors in Security Clearance Investigations," 9:30 a.m., 2154 Rayburn.

*Committee on Homeland Security,* Subcommittee on Management, Integration, and Oversight, to continue hearings entitled "Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control," Part 2, "Recovery," 10 a.m. and Part 3, "Rebuilding," 2 p.m., 311 Cannon.

*Committee on International Relations,* Subcommittee on International Terrorism and Nonproliferation, hearing on Venezuela: Terrorism Hub of South America? 2 p.m., 2172 Rayburn.

*Committee on Resources,* Subcommittee on Energy and Mineral Resources, oversight hearing on Opportunities for Good Samaritan Cleanup of Hard Rock Abandoned Mine Lands, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Working Ranches, Healthy Range and Maintaining Open Space, focusing on the importance of federal grazing programs and working ranches to the landscape, 11 a.m., 1334 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 383, Ice Age Floods National Geologic Trail Designation Act of 2005; H.R. 4581, Easement Owners Fair Compensation Claims Act of 2005; and H.R. 5132, River Raisin National Battlefield Study Act, 2 p.m., 1324 Longworth.

*Committee on Small Business,* Subcommittee on Regulatory Reform and Oversight, hearing entitled "An Update on Administration Action to Reduce Unnecessary Regulatory Burdens on America's Small Manufacturers," 10 a.m., 2360 Rayburn.

*Committee on Veterans' Affairs,* to mark up H.R. 3082, Veteran-Owned Small Business Promotion Act of 2005, 10:30 a.m., 334 Cannon.

*Committee on Ways and Means,* Subcommittee on Health, hearing on Medicare reimbursement of physician-administered drugs, 1 p.m., 1100 Longworth.

Subcommittee on Select Revenue Measures, hearing on issues relating to the patenting of tax advice, 10:30 a.m., B-318 Rayburn.

*Permanent Select Committee on Intelligence,* executive, briefing on Global Updates/Hotspots, 9 a.m., H-405 Capitol.

*Next Meeting of the SENATE*

9 a.m., Thursday, July 13

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of H.R. 5441, Homeland Security Appropriations.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, July 13

## House Chamber

**Program for Thursday:** Consideration of H.R. 9—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

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